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ARCHIVES OF BRITISH COLUMBIA.

MEMOIR NO. II.

MINUTES  
OF THE  
COUNCIL OF VANCOUVER  
ISLAND.

COMMENCING AUGUST 30TH, 1851, AND TER-  
MINATING WITH THE PROROGATION  
OF THE HOUSE OF ASSEMBLY,  
FEBRUARY 6TH, 1861.



THE GOVERNMENT OF  
THE PROVINCE OF BRITISH COLUMBIA.

PRINTED BY  
AUTHORITY OF THE LEGISLATIVE ASSEMBLY.

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VICTORIA, B.C.:

Printed by WILLIAM H. CULLIN, Printer to the King's Most Excellent Majesty.  
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PROVINCIAL LIBRARY,  
VICTORIA, July 15th, 1918.

*The Hon. J. W. de B. Farris, K.C.,  
Attorney-General of British Columbia,  
Government Buildings, Victoria, B.C.*

SIR,—I have the honour to transmit to you herewith Bulletin No. 2 of the Archives Department, entitled "Minutes of the Legislative Council of Vancouver Island, 1851-61." The text is that of the original Journal, which has never appeared in print as a whole before. The bulletin will give an idea of the value of the Provincial legislative records from an historical point of view. It will also serve a more practical purpose in indicating the source of many laws and policies, not a few of which have survived in one form or another to this day. The only extant copy of the original is one of the Provincial Archives Department's most treasured possessions. Several of its pages are in the handwriting of His Excellency Richard Blanshard and Sir James Douglas. Like many other papers gathered by and kept in this Department, the original Journal is far too valuable a record not to be preserved in print.

I take this opportunity to acknowledge my indebtedness to Mr. Killam and Miss Wolfenden, of the Library staff, for assistance in reading the proof.

I have the honour to be,

Sir,

Your obedient servant,

E. O. S. SCHOLEFIELD,  
*Provincial Librarian and Archivist.*



## PREFACE.

VANCOUVER ISLAND was granted to the Hudson's Bay Company for settlement upon certain conditions by Royal Charter dated 13th January, 1849. In the same year the Island and adjacent Islands were constituted a Colony by the Imperial Government. The new Colony was remarkable for several things. It was the first British Colony to be established in due form in western North America. It was the outward and visible result of a series of incidents which culminated in the rise of British power in the North Pacific. It helped to pave the way for the time when Canada should "enter into the northern heritage of old Spain and become a Pacific power." The little island settlement was, moreover, isolated and far removed geographically from Great Britain and all other British possessions; it had no direct or regular communication even with the Capital of the Empire. The administration of the public affairs of the Colony was practically left in the hands of the great and powerful Hudson's Bay Company. It was in its way a rather bold undertaking in colonial expansion.

Royal Charter,  
13th Jan.,  
1849.

Thus it is that the little Colony of Vancouver Island, though it existed as such only for the short period of seventeen years (1849-66), plays no inconsiderable part in the early history of Canada on the Pacific. To the general student of colonial affairs the story of this experiment will be found a quite fascinating and informative field of enquiry.

Mr. Richard Blanshard, an estimable English barrister, who had held several positions under the Colonial Office, was appointed Governor of the new Colony. Her Majesty's Commission and Instructions bearing the date 16th July, 1849. After due preparation the Governor departed for the lonely Colony in the North Pacific. He reached Victoria in H.M.S. "Driver" and forthwith entered upon his official duties, which were light enough as shown by the official correspondence of that period. It does not appear from the Governor's despatches that his position was a particularly happy one, a matter due in a large measure apparently to differences of opinion and controversies with the officers of the Hudson's Bay Company. Moreover, the Colony was so small and there were so few residents not connected with the Hudson's Bay Company as labourers, servants, clerks, officers, or in one capacity or another, the Governor could entertain but little hope of advancement in the near future. He received neither salary nor emolument, having consented to wait until the Colony could afford a Civil List for financial recognition of his services. His

Governor  
Blanshard.

Hudson's  
Bay Co.

No salary.

|                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Governor resigns.                                                         | <p>Excellency had expected to find at least a settlement to govern, but he realized soon after his arrival that there were but a mere handful of independent settlers scattered beyond the Company's farms about the fort. In fact, the Chief Factor in charge was the real ruler of the country. In 1851, disappointed, broken in health, and without means to defray the high cost of living in the Colony, Governor Blanshard resigned and left the Colony for England by way of San Francisco and the Isthmus of Panama.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Legislative Council and Assembly.                                         | <p>In the Commission and Instructions previously mentioned the Governor was empowered and commanded to create a Legislative Council and to call a General Assembly of the representatives of the people. The precise terms of the Commission in this respect are as follows:—</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Terms of Commission in this particular. From copy in Provincial Archives. | <p>“ . . . We do hereby grant, appoint, and ordain, that you, and such other persons as are hereinafter designated, shall constitute and be a Council for the said Island. And We do hereby direct and appoint that in addition to yourself the said Council shall be composed of such other persons within the same, as shall from time to time be named or designated for that purpose by Us, by any instructions, or Warrant, or Warrants to be by Us for that purpose issued under Our Signet and Sign Manual, and with the advice of Our Privy Council, all of which Councillors shall hold their places in the said Council at our pleasure. And We do hereby grant and ordain that you with the advice of the said Council shall have full power and authority to make and enact all such Laws and Ordinances as may from time to time be required for the peace, order, and good Government of the said Colony, and that in the making all such Laws and Ordinances you shall exercise all such powers and authorities, and that the said Council shall conform to and observe all such Rules and Regulations, as shall be given and prescribed in and by such instructions as We with the advice of Our Privy Council shall from time to time make for their and your good guidance therein. Provided nevertheless, and We do hereby reserve to ourselves, Our Heirs and Successors, Our and their right and authority to disallow any such Ordinances in the whole or in part, and to make and establish from time to time with the advice and consent of Parliament or with the advice of Our or their Privy Council all such Laws, as may to Us or them appear necessary for the order, peace, and good Government of Our said Island and its dependencies, as fully as if those presents had not been made. And We do hereby give and grant unto you full power and authority with the advice and consent of Our said Council from time to time as need shall require, to summon and call General Assemblies of the Inhabitants owning twenty or more acres of freehold land within the said Island and its Dependencies under your Government in such manner and form, and according</p> |
| Power to enact Laws.                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Right to disallow ordinances reserved.                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| General Assemblies to be summoned.                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Qualifications.                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

to such powers, instructions, and authorities as are granted or appointed by your General Instructions accompanying this your Commission, or according to such further powers, instructions, and authorities as shall be at any time hereafter granted or appointed under Our Sign Manual and Signet, or by Our Order in Our Privy Council, or by Us through one of Our Principal Secretaries of State, And Our will and pleasure is that the persons thereupon duly elected by the major part of the said Freeholders and so returned shall before their sitting take the Oath of Allegiance, which oath you shall commission fit persons, under the Public Seal of Our said Island and its Dependencies to tender and administer unto them, and until the same be so taken, no person shall be capable of sitting though elected. And We do hereby declare that the persons so elected and qualified shall be called and deemed the General Assembly of Our said Island of Vancouver, And you, said Richard Blanshard, by and with the consent and advice of Our said Council and Assembly or the major part of them respectively, shall have full power and authority to make, constitute, and ordain Laws, Statutes and Ordinances for the public peace and welfare and good Government of our said Island and its dependencies, and the people and inhabitants thereof, and such others as shall resort thereto, and for the benefit of Us, Our heirs and successors, which said Laws, Statutes, and Ordinances are not to be repugnant but as near as may be agreeable to the Laws and Statutes of this Our United Kingdom of Great Britain and Ireland, provided that all such Laws, Statutes, and Ordinances of what nature or duration soever be transmitted to Us in the manner specified in your said Instructions, under the Public Seal of Our said Island and its Dependencies for Our approbation or disallowance of the same, as also duplicates thereof by the next conveyance."

The Instructions also deal at length with the processes to be followed in the formation of the Legislative Council. As they have never been printed, the subjoined paragraphs on the subject are quoted in full, viz. :—

"Fourth. And whereas by Our said Commission, We have authorized you and such persons as are in the said Commission designated to constitute and be a Council for the said Colony. And We have by the said Commission further declared that in addition to yourself, the said Council shall be composed of such persons within the same as shall from time to time be named or designated for that purpose by Us, by our Instruction or Instructions, Warrant or Warrants, to be by Us for that purpose issued, under Our Sign Manual and Signet, and with the advice of Our Privy Council, and that all such Councillors shall hold their places in the said Council at Our pleasure, and that you with the

Oath of Allegiance.

Laws not to be repugnant to Statutes of United Kingdom.

All Laws to be submitted for approval.

Instructions. From copy in Provincial Archives.

Council of  
seven members.

Vacancies.

Freedom  
of debate.

Men of good  
life to be  
chosen.

advice of the said Council shall have full power and authority to make and enact all such Laws and Ordinances as may from time to time be required for the peace, order, and good Government of the said Island, and that in the making all such Laws and Ordinances, you shall exercise all such powers and authorities, and that you and the said Council shall conform to and observe all such Rules and Regulations as shall be given and prescribed in and by such instructions, as We with the advice of Our Privy Council shall from time to time make for his and their guidance therein: Now therefore by these Our Instructions under Our Sign Manual and Signet, being the Instructions so referred to as last aforesaid, We do authorize and empower you (until further and other provisions shall be made by Us in that behalf) by an Instrument or Instruments to be made and issued in Our Name, and under the Public Seal of Our said Island, to constitute and appoint seven persons being within the same to be Members of the said Council during Our pleasure, and any three of whom We do hereby appoint to be a quorum; and so from time to time, as often as any such person shall die or resign his seat in the said Council, or be absent from the said Island, or be suspended by you from such his office, or become from any cause incapable of discharging the duties thereof, by any other such Instrument as aforesaid to nominate any other person, being within the said Colony, to fill any such vacancy: Provided nevertheless that the appointment so to be made by you of the persons who are to constitute the said Council shall be provisional only, and subject to Our confirmation or disallowance.

"Fifth. You are to communicate forthwith such of these Instructions to Our said Council wherein their advice and consent are mentioned to be requisite, and likewise all such others from time to time as you shall find convenient for our service to be imparted to them.

"Sixth. You are to permit the Members of Our said Council to have and enjoy freedom of debate, and vote in all affairs of public concern that may be submitted to their consideration in Council.

"Seventh. And in the choice and nomination of the Members of our said Council, as also of the Judges, Justices, and other officers, you are always to take care that they be men of good life, well affected to our Government, of good estates and abilities suitable to their employments."

With reference to the General Assembly, the Instructions are equally explicit. Much of the document deals with the popular House, but paragraphs nine and ten are sufficient to show the powers, privileges, and prerogatives of the Assembly in this connection. The clauses mentioned are given hereunder:—

"Ninth. And whereas, by Our aforesaid Commission, you are authorized and empowered to summon and call General Assemblies of the freeholders within Our said Island and its dependencies, as therein specified, in such manner and form and according to such powers, instructions and authorities as are granted or appointed by these Our Instructions in that behalf: You are therefore for the purpose of electing the Members of such Assemblies hereby authorized to issue a Proclamation declaring the number of Representatives to be chosen by such Freeholders to serve in the said General Assembly, and if you shall see fit, dividing Our said Island and its Dependencies into Districts or Counties, Towns, or Townships, and declaring the number of Representatives to be chosen by each of such Districts or Counties, Towns, or Townships respectively. And you are also hereby authorized and empowered from time to time to nominate and appoint proper persons to execute the office of Returning Officer in the said Island, or in such Districts or Counties, Towns or Townships respectively, and you are as soon as you shall see expedient to issue Writs in Our name directed to the proper Officers in the said Island, or the proper Officers in such Districts or Counties, Towns or Townships respectively, directing them to summon the aforesaid Freeholders to proceed to the election of persons to represent them in the General Assembly according to the Regulations and Directions to be signified in the Proclamation to be so issued by you as aforesaid.

General Assemblies.

Proclamation declaring number of Representatives.

Returning Officer.

"Tenth. You are to observe in the passing of all Laws that the style of enacting the same be by the Governor, Council, and Assembly of our said Island and its Dependencies."

Style of enacting laws.

The Governor, however, deemed it inexpedient to carry out the intentions of the Colonial Office in this particular for the reasons set forth on April 18, 1850, in a despatch to Earl Grey, then Secretary of State for the Colonies. The Governor states:

Governor's despatch April 18, 1850.

"As no settlers have at present arrived, I have considered that it is unnecessary as yet to nominate a Council as my instructions direct; for a Council chosen at present must be composed entirely of the Officers of the Hudson's Bay Company, few, if any, of whom possess the qualification of landed property which is required to vote for Members of the Assembly, and they would moreover be completely under the control of their superior Officers; but as no immediate arrival of settlers is likely to take place, and my instructions direct me to form a Council on my arrival, I should wish for further direction on this point before I proceed to its formation."

Governor's reasons for not calling House of Assembly.

As the election of a General Assembly was, in the circumstances, impracticable, the Governor decided to appoint a Legis-

Legislative Council created. Three members.

Sir James  
Douglas  
appointed  
Governor.

Importance  
of Minutes as  
historical  
record.

Of value to  
general  
students.

Members of  
Council.

lative Council to administer the Government until his successor should be appointed. Accordingly a Proclamation was issued under the Seal of the Colony, appointing Mr. (afterwards Sir) James Douglas, Mr. John Tod, and Mr. James Cooper, members of the Council. Mr. Douglas as senior member was to act as Administrator for the time being. Without further delay, the original recommendation of the Hudson's Bay Company was carried out, and Sir James Douglas was appointed Governor of Vancouver Island and its Dependencies, a position which he held with distinction until 1863, when he was succeeded by His Excellency A. E. Kennedy, the third and last Governor of the Island Colony.

At this point it may be well to refer briefly to the extremely important historical document which is now printed as a whole for the first time—the Minutes of Council, 1851-1861,—which stand as the only official record of the proceedings of the Legislative Council of Vancouver Island. To that extent they are unique as well as invaluable from constitutional, legal, and historical points of view. Herein may be found the sources of public policies and laws in force to-day. With the aid of this Journal one may follow the efforts of our first legislators to grapple with the problems relating to land, labour, liquor, and other matters of public concern in this small but active community. The student of legal and constitutional history and Parliamentary procedure will find the Minutes of great value in his researches, while the public man and the lawyer, as well as the general reader, will also find them both useful and instructive. In fact, the Council Minutes, together with the Journal of the House of Assembly of 1856 and the "Correspondence Book," so called, which have also just been printed as bulletins of the Archives Department, give all that has been officially recorded of the earliest proceedings of our first Colonial Legislature.

Altogether apart from their local significance these papers will have a wider appeal to the general student of matters pertaining to the evolutionary development of Parliamentary institutions in the Overseas Dominions.

Between 1851 and 1866 eight appointments were made to the Legislative Council:—

- The Honourable Sir James Douglas (1851).
- The Honourable John Tod (1851).
- The Honourable James Cooper (1851).
- The Honourable Roderick Finlayson (1852).
- The Honourable John Work (1852).
- The Honourable David Cameron, Chief Justice of Vancouver Island (1853).
- The Honourable Donald Fraser (1858).
- The Honourable Alfred John Langley (1858).

## THE HONOURABLE JOHN TOD.

The Honourable John Tod was born at Lochleven, Dumbartonshire, Scotland, in 1791 or 1792. About the year 1807 he entered the service of the Hudson's Bay Company, embarking for York Factory. He was a well-known character in the fur-trading annals of the Far West. It is stated in an obituary which appeared in the *Colonist*, September 1st, 1882, that Mr. Tod crossed the continent to Astoria in 1814. Mr. Tod was a remarkable man of whom many anecdotes are told. He saw service at several of the posts west of the Rocky Mountains, both on the Columbia River and in British Columbia, notably at Kamloops and Alexandria. He reached the rank of Chief Factor in the Company's service, retiring in 1847 or 1848. Shortly thereafter he took up his residence at Cadboro Bay, Victoria. Governor Douglas appointed Mr. Tod a Member of the Legislative Council of Vancouver Island in 1856. Died in Victoria, August 31st, 1882.

Vide *Colonist*,  
Sept. 1st, 1882.

## THE HONOURABLE RODERICK FINLAYSON.

The Honourable Roderick Finlayson was born in Lickalsh, Ross-shire, Scotland, March 16th, 1818. He entered the service of the Hudson's Bay Company in his seventeenth year, and, after an apprenticeship in Eastern Canada crossed the continent to Fort Vancouver in 1839. On Taku Inlet, in Alaska, he built Fort Durham, so named in honour of the unhappy but famous Earl of that name. Mr. Finlayson was stationed later at Stikine and Fort Simpson. In 1843 he was associated with Sir James Douglas and Mr. Charles Ross in the building of Victoria. He was for many years an honoured and influential Chief Factor in the Hudson's Bay Company. His diary (a copy of which is in the Provincial Archives Department) is an invaluable historical document. Died January 21st, 1892.

Vide *Colonist*,  
Jan. 22nd,  
1892, p. 3.

## THE HONOURABLE JAMES COOPER.

The Honourable James Cooper is little known. A letter from the Deputy Governor of the Hudson's Bay Company to the Right Honourable Sir Edward Bulwer Lytton, of August 17th, 1858, states that Mr. Cooper was appointed first mate of one of the Hudson's Bay Company's vessels in August, 1844, on account of the good opinion entertained of him by the Company. He was promoted to the command of his ship in 1846 and he remained with the Company as captain until May, 1850, when he came to Victoria as supercargo in one of the Company's vessels with the intention of settling on Vancouver Island. He was appointed a Member of the Legislative Council by Governor Blanshard in 1851.

## THE HONOURABLE JOHN WORK.

*Colonist*, Dec.  
23rd, 1861,  
p. 3.

The Honourable John Work entered the service of the Hudson's Bay Company early in the nineteenth century, probably about the year 1814. He served his apprenticeship in the Eastern Districts until 1822. In 1823 he followed the long route of the fur-trader to the Columbia River, where he was for a time in charge of Fort Colville, establishing there, so it has been said, the first farm west of the Rocky Mountains. For several years he commanded large trapping parties on the great interior plains. In quest of beaver he wandered as far as the swamps of the Lower Sacramento River and San Francisco Bay. In 1849 he was made one of the managers of the Company's affairs west of the Rocky Mountains, whereupon he settled at Fort Victoria. He was made a Member of the Legislative Council in 1852. Died December 22nd, 1861.

## THE HONOURABLE DAVID CAMERON.

Vide *Colonist*,  
May 15th,  
1872, p. 3.

The Honourable David Cameron was born in Perthshire, Scotland, in 1804. At an early age he went to Demarara and resided there until 1853, following the occupation of merchant. It was apparently in Demarara that he met and married Sir James Douglas's sister. Coming to Vancouver Island in 1854, he was appointed by his brother-in-law, the Governor, Judge of the Supreme Court of Civil Justice, subsequently becoming Chief Justice. He retired in 1865 with a pension of £500 per annum. In its obituary notice the *Colonist* observes: "Although not a lawyer, Mr. Cameron's legal knowledge was extensive, and in his able hands the present Rules of Court were framed." Judge Cameron was somewhat bitterly attacked by Mr. Langford, one of the agents of the Puget Sound Agricultural Company, but the Secretary of State for the Colonies and a large number of the more influential settlers supported the Court. Died May 14th, 1872.

## THE HONOURABLE ALFRED JOHN LANGLEY.

Vide *Colonist*,  
April 10th,  
1896, p. 5.

The Honourable Alfred John Langley was born at Lichfield, Staffordshire, England, October 15th, 1820. He emigrated to Nova Scotia, later on joining in the rush to California in the days of the gold excitement in 1849. He went into business in San Francisco, founding the firm of Langley, Michaels & Company. In 1858 Mr. Langley took part in another gold-rush, this time to Victoria, the Capital of the Colony of Vancouver Island, where he established the widely known house of Langley & Company. Mr. Langley's energy, ability, and his deep interest in the public affairs of the Colony were recognized by Sir James Douglas, who appointed him a Member of the Legislative Council. In 1862 he was further honoured in being sent to London as Commissioner for the Colony

to the Great Exhibition of that year. So ably did he discharge his duties on that occasion that it is said he was offered knighthood, or a decoration, for his services, but Mr. Langley declined the honour, being quite content to serve his country without such reward. Mr. Langley died at Victoria, April 9th, 1896.

THE HONOURABLE DONALD FRASER.

The Honourable Donald Fraser was the representative of an influential London newspaper in the days of the gold excitement. He displayed a genuine interest in the welfare of the two British Colonies on the north-west coast of North America, and actively associated himself with the late Mr. Gilbert Malcolm Sproat in opening the eyes of the Imperial authorities to their value as a field for emigration and development. When Mr. Sproat was in London as Agent-General of the Colony, Mr. Fraser earnestly supported him in all efforts to promote the advancement of British Columbia and Vancouver Island.

SIR JAMES DOUGLAS, K.C.B.

Sir James Douglas, K.C.B., was born in Demarara August 14th, 1803; died August 3rd, 1877. When little more than a boy James Douglas joined the famous North-West Company, and on the amalgamation of that organization with the Hudson's Bay Company in 1821 he entered the service of the new power. He crossed the continent in 1824 and soon became a prominent figure in the councils of the fur trade in the Western or Columbia Department. In 1827 he married Amelia Connolly, daughter of Mr. Chief Factor Connolly, of the historic district of New Caledonia, the central interior of the British Columbia of to-day. Mr. Douglas, as he was then, was promoted to headquarters at Fort Vancouver in 1832, some time thereafter being appointed to the Board of Management which had charge of the Company's affairs west of the Rocky Mountains. In 1842 he explored the southern end of Vancouver Island and selected the site of the new post to be established on the Strait of Juan de Fuca. Fort Victoria was built in the following year (1843). The headquarters of the Hudson's Bay Company were transferred from Fort Vancouver, on the Columbia River, to Fort Victoria in 1849. In the same year Sir James Douglas moved to Victoria, where he built a comfortable colonial house overlooking the little inlet named James Bay in his honour. He was appointed Governor of Vancouver Island in succession to His Excellency Richard Blanshard. Governor Douglas, having been succeeded by His Excellency A. E. Kennedy in 1863, moved to New Westminster to finish his term as Governor of the Mainland Colony. Sir James Douglas was created a Knight Commander of the Bath in 1864 in recognition of his great services

*Colonist*,  
Aug. 4th, 5th,  
8th, 1877.  
*See also*  
Howay,  
History of  
B.C., Vol. II.  
Gosnell,  
Douglas,  
Makers of  
Canada series.

to the Colony and to the Empire in the days of the gold-rush. He was indeed the outstanding character and central figure of that fascinating period in the earlier history of British Columbia.

E. O. S. SCHOLEFIELD.

*Provincial Archivist.*

# MINUTES

OF THE

## COUNCIL OF VANCOUVER ISLAND, 1851-1861.

**B**E it remembered, that on this 30 day of August, in the year of Our Lord one thousand eight hundred and fifty-one, at a Council held at Victoria in Vancouver's Island by Richard Blanshard, Esquire, Governor of the said Island, the following members having been provisionally appointed by an instrument in the name of Her Majesty Queen Victoria, and sealed with the Public Seal of the Colony of Vancouver's Island, and the oath of allegiance having been duly administered to them, took their seats in Council:—

James Douglas, Senior Member.

John Todd,

James Cooper.

The said Members constituting a quorum, having taken their seats,

The Governor announced his having resigned the office of Governor of the Colony, and till the arrival of a fresh commission the Senior Member of Council would fill the place according to the instructions of which a printed copy were laid on the table.

The said Members of Council have hereupon resolved that they will meet at such times and in such places as may be hereafter appointed for the consideration of public affairs. This 30th August, 1851.

His Excellency  
Governor  
Blanshard  
appoints Legis-  
lative Council.

The Governor  
announces his  
resignation.

Minutes of a Council held at Fort Victoria, in Vancouver's Island, by James Douglas, Esqr., Governor of the said Island, this 28th day of April, 1852. The following Members being present:—

John Tod,

James Cooper,

Rodk. Finlayson.

The said Members constituting a quorum—having taken their seats—the Governor produced and read:—

1. A letter, addressed to him by James Cooper, proposing to nominate G. Langford, Esqr., to discharge the duties of the said James Cooper as Councillor by proxy during his temporary absence from the Colony. The Governor remarked on the subject of that communication, that his instructions from the Crown gives him no authority to admit such nominations. The appointment of Councillors is vested in the Crown and the duties of the office must be discharged by the Members in person. The Governor then proceeded to read over the 4th, 5th, 6th, 7th, and 8th paragraphs

Voting in  
Council by  
proxy illegal.

|                                          |                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                          | of Her Majesty's Instructions, prescribing the manner of appointment, the privileges and duties attached to the office of Members of Council. And this minute of that communication is made in compliance with Her Majesty's royal pleasure as signified in the 5th paragraph of the Governor's Instructions.                                                                                         |
| Colonial accounts.                       | 2. The Governor then submitted for inspection the accounts of supplies made by the Hudson's Bay Company for Colonial purposes, which were found correct and approved, except in the instance of the surveyor's salary, amounting to £372/12/, which James Cooper objected to as a Colonial charge; but approved of its being defrayed out of the proceeds arising from sales of land.                 |
| Sale of spirits.                         | 3. A proposal was next made for revising the law regulating the importation and the sale of spirits in the Colony, but not considered expedient, as the existing law appears free from any material defect.                                                                                                                                                                                           |
| Employer and servant law.                | The Governor next proposed that a law should be passed adapted to the circumstances of the Colony regulating the relations of employer and servant and for punishing offences such as insolent language, neglect of duty, and absence without leave of the employer by summary infliction of fine or imprisonment. The measure considered highly important and necessary; deferred for consideration. |
| Governor suggests duty of five per cent. | A plan was next submitted by the Governor for the consideration of Council for raising a permanent revenue by imposing a duty of five per cent. on all imports of British and foreign goods.                                                                                                                                                                                                          |
| Objection raised.                        | It was objected to that measure that it would prove a bar to the progress of settlement, impose a heavy burden upon settlers from England importing implements and furniture, and that in the present state of the Colony, there not being above twenty settlers on the whole Island, the sum arising from the duty would not much exceed the expense of the officers necessary for its collection.   |
| Only twenty settlers.                    | An Act to be prepared and taken into consideration hereafter.                                                                                                                                                                                                                                                                                                                                         |
|                                          | The Council was then adjourned until 2 o'clock in the afternoon of Friday, the 30th inst.                                                                                                                                                                                                                                                                                                             |

**Friday, 30th April (1852).**

The Council again met this morning, the Governor and the following Members being present, vizt.:—

John Tod,

James Cooper,

Roderick Finlayson.

Customs duties considered inexpedient.

It not appearing expedient to the Council to impose any Customs duties on imports in the present state of the Colony, the measure was postponed for further consideration. No other business entered upon at this meeting and the Council adjourned.

4  
Tuesday, 5th October.

The Council met this day, at the hour of 10 in the morning, for the transaction of business, and the Governor and the following Members were present, vizt.:—

James Cooper,  
Roderick Finlayson.

The Councillors present being insufficient to form a quorum in consequence of the absence of Mr. Tod, the Council adjourned until 10 o'clock on Wednesday, the 6th inst.

5  
Wednesday, the 6th October (1852).

The Council met this morning at the hour of 10, the Governor and the same Members, with the addition of Mr. Tod, being present, as yesterday.

The Act regulating the importation and sale of spirituous liquors on Vancouver's Island, containing some passages which have given rise to questions as to its real meaning, it was proposed by the Governor that the first, second, and third clauses should be altered and amended, so as to render the meaning and intent of the Act plain and clear. Agreed that such alterations shall be made and submitted for the consideration of Council. Moved by the Governor that only two classes of licences for the sale of spirituous liquors shall be granted in Vancouver's Island, vizt.:—

Wholesale licences and retail licences.

That a wholesale licence shall be construed to mean the sale of spirits by the cask or case as imported. And that a retail licence shall authorize the sale of smaller quantities of spirits for reasonable refreshment, to be consumed on the premises.

That we consider it derogatory to the character of a member of Council to be a retail dealer in spirituous liquors, or to follow any calling that may endanger the peace or be injurious to public morals.

The Council then adjourned till Tuesday, the 12th inst.

6  
12th October (1852).

The meeting of Council appointed for this day was postponed *sine die*.

At the Council held on the 6th inst. the following appointment was made by the Governor, with the advice and consent of Council, vizt.: James Sangster to be Collector of the "Customs for Vancouver's Island."

Bill respecting  
importation and  
sale of spirituous  
liquors.

Members of  
Council not to  
deal in spirituous  
liquors.

Mr. James  
Sangster  
appointed  
Collector of  
Customs.

29th March, 1853.

The Council met at the hour of 10 this morning, the Governor being present and the following Members:—

John Todd, Senior Member,  
James Cooper did not appear,  
Roderick Finlayson.

Magistrates  
and Justices  
of the Peace.

The Governor requested the advice of Council in respect to the expediency of appointing qualified persons to act as Magistrates and Justices of the Peace in the several districts of the Colony, and proposed that the following gentlemen should be appointed to that office, vizt.:—

Edward E. Langford, Esqre.....Esquimalt District.  
Thomas J. Skinner, „ .....Peninsula.  
Kenneth McKenzie, „ ..... „  
Thomas Blenkhorn, „ .....Metchosen.  
No Resident of Soke District qualified  
to act as Magistrate.....Soke.

Qualifications  
of Justices of  
the Peace.

Resolved, That it is expedient, in consequence of the small number of persons possessed of sufficient property in the Colony, to dispense with the qualification as to estate in the appointment of Justices of the Peace, required by the Act of Parliament made in the 18th year of the reign of His Majesty George the Second, provided only that the said Justices of the Peace be faithful and true men loyal to Her Majesty the Queen, of experience in business, and of good repute in the counties where they reside.

Magistrates  
to be allowed  
£1 a day.

Secondly. As an inducement to exercise the duties of Magistrate, that said Justices be permitted to charge at the rate of £1 sterling per diem for their services, over and above the customary costs of suit, in all civil cases, only, which they are hereby authorized to levy on the parties concerned as part costs of suit.

Fees.

A Table of Fees to be drawn up without delay.

Excessive im-  
portation of  
spirituous  
liquors.

The Governor next suggested to Council the propriety of taking into consideration the best means of restraining the abuse and excessive importation of spirituous liquors into this Colony. It not being considered properly within the jurisdiction of the Governor in Council without the consent of the representatives of the people to impose Customs duties on imports, he proposed that a duty should be charged on all licences granted to inns, public or beer houses, and it was therefore resolved, That there shall be levied, collected, and paid upon the licences hereby authorised the duties following, that is to say: For every wholesale licence, the annual sum of one hundred pounds; for every retail licence, the sum of one hundred and twenty pounds. The said duties to be under the management of the Governor and Council.

Licence fees.

£100.

£120.

Wholesale  
licence.

It is further resolved, That a wholesale licence shall be construed to mean the sale of spirits by the cask or case, as

imported, and that a retail licence shall authorise the sale of smaller quantities of spirits for reasonable refreshment, to be consumed on the premises. It is provided, however, that it shall be lawful for wholesale dealers, notwithstanding what has been resolved, above, to sell spirituous liquors to farmers or other persons possessed of landed property, residing at a distance from any licensed ale-house, in any quantities not under two gallons, provided the same be intended to be consumed on the premises for the household use of such farmers, or their servants, and not for sale.

Retail licence.

Sale of  
liquors to  
farmers.

Public schools.

The subject of public instruction was next brought under the consideration of Council. Applications having been made from various districts of the country for schools, it was resolved that two schools should be opened without delay, one to be placed on the peninsula, near the Puget Sound Company's establishment, at Maple Point, and another at Victoria, there being about thirty children and youths of both sexes, respectively, at each of those places.

It was therefore resolved, That the sum of £500 be appropriated for the erection of a school-house at Victoria, to contain a dwelling for the teacher, and school-rooms, and several bedrooms, and that provision should be made hereafter for the erection of a house at Maple Point.

£500 for  
school-house  
at Victoria.

Resolved, That the Council do now adjourn till Thursday, the 31st day of March.

Thursday, 31st March (1853).

The Council again met this morning, the Governor and the following Members being present, vizt.:—

John Tod,

Roderick Finlayson,

James Cooper did not appear.

Edward E. Langford appeared before Council, and after taking the oath of allegiance, and qualification as to estate, received a provisional appointment as Magistrate and Justice of the Peace for the District of Esquimalt and twenty miles around it.

Mr. Edward  
E. Langford  
appointed J.P.

The Council then resumed the subject of the school, and fixed upon a site near Minies Plain, and that the size of the building should be 40 feet long by 40 feet broad.

Public school  
near Minies  
Plain.

A Commission of two persons—

The Honble. John Tod, Senior Member of Council,

Robert Barr, Schoolmaster—

Committee  
appointed.

were then appointed to carry this measure into effect, and to report from time to time their proceedings to the Governor and Council.

The Council then adjourned, there not being a sufficient number of Members present to form a quorum.

9

**Thursday, the 7th April (1853).**

The Council met this morning in pursuance of a notice to that effect issued on Tuesday, the 5th inst., the Governor being present and the following Members, vizt.:—

John Tod, Senior Member,  
James Cooper,  
Roderick Finlayson.

Mr. John Work  
appointed  
Member of  
Council.

The Governor informed the Council that he had appointed John Work, Esqre., to be a Member of Council, and the oath of allegiance having been administered to him in presence of the Council, he took his seat at the Council Board. The Council then proceeded to the review and consideration of the measures proposed on Tuesday, the 29th March, and Thursday last, and it was

Justices of the  
Peace, importa-  
tion of liquors,  
and public  
school.

Resolved, That the resolutions made on Tuesday, the 29th day of March, and on Thursday, the 31st day of March last, be confirmed and ratified, and the same are hereby confirmed and ratified.

That the Council do now adjourn.

Committee  
appointed to  
lay out road  
between  
Victoria and  
Sooke.

It was also resolved before the adjournment of the Council held on the 7th day of April aforesaid, That a Committee of four be appointed to examine the country between Soke and Victoria for the purpose of selecting a line of road to connect those places, and to submit a report on the same, with an estimate of the cost of constructing said road, for the consideration of the Governor and Council, and that the said Committee do consist of the following Members, vizt.:—

James Cooper, Member of Council;  
John Work, Member of Council;  
Ed. E. Langford, J.P.;  
J. D. Pemberton, Surveyor-General.

Petty sessions  
and Quarter  
Sessions.

It was also resolved at the same meeting of the Council aforesaid, That for the better and regular administration of Justice, that a petty session of one or more Justices of the Peace be held on the first Thursday of every month, and that a general Quarter Sessions of the Peace be held in every quarter, beginning with the first Thursday of July next ensuing, to hear and determine cases, and to do justice to all who may apply.

10

**Tuesday, the 20th day of September, 1853.**

The Council having met this morning pursuant to summons, the Governor being present and the following Members, vizt.:—

John Tod, Senior Member,  
John Work,  
James Cooper,  
Roderick Finlayson—

proceeded to the consideration of certain matters connected with

the jurisdiction of the Justices' Courts in civil cases. The Governor laid before the Council copy of the evidence taken in a case Webster *versus* Muir, lately tried at this place in the Justice's Court, involving a large sum of money, the damages claimed by plaintiff being several thousand dollars in amount. The Governor called the attention of Council to the defective manner in which the record was kept: there being no statement of the case, nor of the cause of complaint, which, moreover, cannot be ascertained from the record. The Jury nevertheless gave the following verdict:—

"We, the Jury, find a verdict for the plaintiff for illegal detention of cattle belonging to said plaintiff, 2,213 dollars with costs."

The whole case appearing to have been improperly managed owing entirely to the inexperience of the Justices present, the Governor advised that the jurisdiction of the Justice's Court should be limited in civil cases to suits not exceeding the sum of £100. The Council adjourned, without coming to any decision, to Friday, the 23rd day of September.

#### Friday, 23rd September (1853).

The Council met this morning according to adjournment, the Governor being present and the same Members as were assembled on Tuesday, the 20th inst., and proceeded to the consideration of the matter then referred to them by the Governor concerning the jurisdiction of the Justices' Courts, and it was unanimously resolved that said Courts should have no jurisdiction in civil cases wherein the damages claimed exceed the sum of one hundred pounds sterling, and that a Court be established, to be called the Court of Common Pleas, with power and jurisdiction in all civil cases wherein the damages claimed shall not exceed the sum of £2,000 sterling money.

That a Judge shall preside in such Court, and shall cause records to be kept of all his proceedings, and of all sums awarded as damages, and of all costs levied, in said Court.

That an appeal shall lie from said Court to the Governor and Council.

That a salary of one hundred pounds sterling per annum shall be paid to the Judge of said Court for his services.

That David Cameron be appointed Judge of said Court, and be required to draw up the rules and regulations of said Court as soon as convenient, and to lay the same before the Governor and Council for their consideration and approval.

The Council next proceeded to establish regulations concerning the cutting and removal of timber from the public lands, and it was resolved that—

Jurisdiction  
of Justices'  
Courts.  
Webster  
*versus* Muir.

Jury's verdict.

Limitation  
of actions in  
Justice's Court.

Justices'  
Courts.

Court of  
Common Pleas.

Judge to  
keep records.

Salary.

Mr. David  
Cameron  
appointed  
Judge.

Timber  
regulations.

1. That the Collector of the Customs shall have authority to issue permits for cutting timber on the public lands, and to levy a duty of tenpence on every load of timber of 50 cubic feet.

2. That no timber be cut on the public lands without a permit, under a penalty of £10 and the forfeiture of the said timber.

3. That no person, not being a subject of Her Majesty the Queen and a resident of Vancouver's Island, shall cut timber on the public lands under a penalty not exceeding £20.

4. That all persons cutting timber on the public lands shall make a true and correct return of the same to the Collector of the Customs, who may cause said timber to be remeasured, at the cost of the persons claiming the same, should he see cause to doubt the correctness of said returns.

That the Collector shall charge a fee of one pound sterling on every timber licence which shall be issued by him.

The Council then adjourned.

Thursday, 2nd December, 1853.

The Council having met this morning pursuant to summons, the Governor being present and the following Members, vizt.:—

John Tod, Senior Member,  
James Cooper,  
Rod. Finlayson,  
John Work,

Fees in  
Justice's Court.

The Governor proceeded to lay before the Council a letter which he had received from Robert Barr, Clerk of the Peace, containing a copy of certain resolutions passed by the Justices, at their monthly Session held on the 3rd day of November last, to the effect that the following scale of fees be adopted in carrying on proceedings in the Justice's Court, vizt.:—

|                            | s. | d. | Court. | Clerk. | Constable. |
|----------------------------|----|----|--------|--------|------------|
| One summons .....          | 12 | 0  | 1/3    | 1/3    | 1/3        |
| Appearance of plaintiff .. | 3  | 0  | 2/3    | 1/3    | ...        |
| Swearing each witness ..   | 2  | 0  | 1/2    | 1/2    | ...        |
| Examining each do. ..      | 2  | 0  | 1/2    | 1/2    | ...        |
| Sentence .....             | 8  | 0  | 3/4    | 1/4    | ...        |
| Warrant of execution ...   | 8  | 0  | 1/2    | 1/2    | ...        |
| Constable executing do.    | 4  | 0  | ...    | ...    | ...        |

and requesting the Governor and Council to allow a portion of the fines levied in the Justice's Court to be applied to the payment of the Magistrates for their services at the monthly Session, and also making application to have the rate of fees payable to Jurors fixed by enactment.

Jurors' fees.

Fees proposed  
by Justices  
confirmed.

It was thereupon resolved, That the Justices be authorised to adopt in all their future proceedings the Tariff of Fees recommended in their said resolutions, and that an Act be forthwith

prepared to regulate Fees in Office, and that the Governor be authorized to pay the Magistrates for their services, at the monthly Sessions, out of the fines levied in the Justice's Court.

A letter was then read, which the Governor had received from Mr. Robert Barr, Colonial Teacher, proposing that the children placed under his superintendence for tuition should be boarded at the following rates, vizt.:—

Per Annum.

To the officers and servants of the Hon.

Hudson's Bay Company .....16 guineas.

To the Colonists not servants of the Hon.

Company .....18 guineas.

To non-residents on Vancouver's Island,

non-servants of the Hon. Compy. ....20 guineas.

It was resolved, That Mr. Barr be permitted to make the following charges for the board of pupils, vizt.:—

For the children of Colonists residents of

Vancouver's Island, and of servants of

the Hudson's Bay Company .....18 guineas per

For the children of non-residents, not annum.

being servants of the Hudson's Bay

Company .....Any sum that  
may be agreed  
upon with the  
parties.

An Act was then passed in pursuance of the resolutions of the 23rd day of September last, to establish a Supreme Court of Civil Justice with jurisdiction over the whole Colony and its Dependencies in all matters of law or equity, where the amount in dispute is fifty pounds sterling and upwards, and the oaths of allegiance, &c., were duly administered to David Cameron, Esqre., as Judge of said Court.

It was then resolved, That the sum of one hundred pounds sterling be appropriated out of the proceeds arising from the duties on licensed houses and applied to the payment of the salary allowed to the Judge of the Supreme Court, and that the Governor be, and is hereby authorised to cause the same to be paid by quarterly instalments, as they become due.

It was also resolved, That a Committee consisting of three persons be appointed to enquire into, and report upon, the state of the Colonial School, and to hold quarterly examinations to ascertain the progress made by the pupils, and that the following persons do constitute the said Committee, vizt.:—

John Tod, Senior Member of Council;

Roderick Finlayson, Member of Council;

Thomas J. Skinner, J.P.

That this Council do now adjourn.

Magistrates  
to be paid  
out of fines.

Fees for  
tuition in  
public schools.

Supreme Court  
of Civil Justice  
established.  
Hon. David  
Cameron  
appointed  
Judge of said  
Court.

Committee  
appointed to  
report upon  
Colonial school.

Copied and  
transmitted to  
England up to  
this date.—  
(Signed) J. D.

Wednesday, 12th July (1854).

The Council having met this morning pursuant to summons, the Governor being present and the following Members, vizt.:—

John Tod, Senior Member,  
James Cooper,  
Roderick Finlayson,  
John Work,

Hon. John Work's appointment to Council approved by Her Majesty.

The Governor communicated to the Council that the provisional appointment of John Work, Esquire, to be a Member of the Council of Vancouver's Island had met with Her Majesty's approval, as stated in Despatch No. 13 from His Grace the Duke of Newcastle. The oaths of allegiance and abjuration were then administered to the said John Work. The Governor then communicated to the Council that Mr. Sangster's appointment to the office of Collector of Customs for Vancouver's Island had been confirmed as per Despatch No. 2, of 10th February, 1853, from His Grace the Duke of Newcastle.

Mr. Sangster's appointment as Collector of Customs approved.

Colonial School accounts.

The Governor laid before the Council an account received from Mr. Robert Barr, Master of the Colonial School, amounting to £36.5.11, being the sum expended by him in completing the school-house, papering the bedrooms, enclosing and bringing into cultivation a small kitchen garden, and for various other fixtures and improvements, as stated in said account. That amount ordered to be paid and charged to Vancouver's Island Trust Fund.

The Governor then read a letter from the said Robert Barr, stating that his expenditure on account of the school was in excess of his income, and praying that his case may be taken into consideration by the Governor and Council, and relief granted to him. It was in consequence

£50 granted to Mr. Robert Barr.

Resolved, That the sum of fifty pounds sterling be appropriated for the relief of Mr. Robert Barr and charged to Vancouver's Island Trust Fund.

Retail spirit licences.

A petition from James Yates was then read, praying that the form of the retail spirit licence might be altered as to authorise publicans to sell spirits by the bottle to be consumed off the premises.

Petition approved.

Appropriations.

The following appropriations were then voted for public purposes, vizt.:—

— For erecting a Court-house ..... £500

For making roads and bridges ..... £500

Towards finishing the Church ..... £500

War with Russia.

The Council then proceeded to consider the state of the country, and the means of defending it against the Queen's enemies in the case of invasion.

The Governor proposed to call out and arm all the men in the Colony capable of bearing arms, and to levy and arm an auxilliary body of native Indians. It was urged as an objection to that measure that the small number of whites in the settlement could collectively offer no effectual resistance against a powerful enemy; and it was considered dangerous to arm and drill the natives, who might then become more formidable to the Colony than a foreign enemy. Several other objections were made to the measure, but the reasons above stated are the most important. It was therefore deemed expedient to leave the defence of the Colony against the attempts of Russia to the care of Her Majesty's Government, and not to call out the militia of the Colony. It was, however,

Raising of  
armed force  
to protect  
Colony against  
Russia.

Resolved, as a means of protection, to charter the Hudson's Bay Company's Propeller "Otter," armed and manned with a force of thirty hands, including Captain, Officers, and Engineers, and to employ her in watching over the safety of the settlements, until Her Majesty's Government take some other measures for our protection; and that arrangements be immediately made to carry that resolve into effect.

"Otter"  
armed and  
manned.

That this Council do now adjourn.

Thursday, 3rd August, 1854.

The Council having met this morning pursuant to summons, the Governor being present and the following Members, vizt.:—

John Tod, Senior Member,  
John Work,

James Cooper not having appeared at half-past eleven o'clock, and Roderick Finlayson, the other Member of the Council, having lately left the Colony, by permission, on a short excursion for the benefit of his health, the Governor, notwithstanding the absence of a sufficient number of members to constitute a Council, proceeded to lay before the Members present the draft of an Act, prohibiting the Gift or Sale of Spirituous Liquors to Indians, which he recommended should immediately receive their sanction and become law of the Colony, as many complaints had been made of excesses committed by drunken Indians, which could not otherwise be checked without endangering the peace of the Colony. The Act was immediately passed, with the assent of James Cooper, who arrived at Government House about 5 o'clock p.m.

Sale of liquor  
to Indians.

After said Act was passed the Council adjourned.

14

Thursday, 21st June, 1855.

The Council having met this morning pursuant to summons, the Governor being present and the following Members, vizt.:—

John Tod, Senior Member,  
James Cooper,  
Roderick Finlayson,  
John Work,

Fugitives from  
justice in the  
United States.

The Governor proceeded to lay before Council a correspondence with Samuel McCurdy, Esqre., Commissioner for the United States, relative to certain fugitives from justice who had fled from Vancouver's Island with a boat and other property abstracted from the ship "Marquis of Bute."

The offenders were apprehended and committed to gaol by Mr. McCurdy on the strength of the evidence contained in the warrant issued by the British Magistrate, but were subsequently released from custody in consequence of a communication from Governor Stevens, declaring his opinion that the case did not come within the provisions of the Treaty between Great Britain and the United States, ratified on the 22nd August, 1842.

The bill of charges for the apprehension and commitment of those offenders, amounting to 202 dollars and 30 cents, was also laid before the Council, who

Resolved, That the Governor be authorised to pay the sum of 102 dollars and 30 cents on the said bill of charges, the property belonging to the "Marquis of Bute" in possession of the United States Courts being considered equivalent to the balance of said account.

Seizure of  
sheep on San  
Juan Island.

The Governor also laid before the Council the report of Charles Griffin, Esqre., on the outrage committed by certain American citizens who were concerned in forcibly carrying away a number of valuable sheep, the property of British subjects, from the Island of San Juan, and also the Governor's correspondence on that subject with Governor Stevens.

Colonial  
accounts.

The expenditure made on account of the Colony, amounting for the year ending on the 31st day of Octr., 1854, to the sum of £3,512/18/9, was then laid before the Council, and the accounts submitted for audit and examination.

Those being found correct, the amount was ordered to be paid.

#### DEFENCE OF THE COUNTRY.

Northern  
savages menace  
Colony.

The Governor, having represented to the Council that much alarm existed among the Colonists in consequence of the great number of Northern Savages who had lately arrived, and were now scattered over the settlements, and that he was often called upon to settle differences arising between those savages and the settlers, and that those differences were often carried to dangerous lengths, and might lead to very serious consequences, involving

15

the loss of life and property, suggested that a force should immediately be raised and placed at his disposal to meet such emergencies.

It was resolved, That a Company of ten, to consist of 8 Privates, 1 Corporal, 1 Sergeant, besides a competent officer to act as Commander, be immediately raised and maintained at the public expense until the Northern Savages leave the settlements; and that the pay to be allowed to persons joining the said company is not to exceed the following rates:—

Privates ..... 30 dollars per month with rations.

Corporals ..... 31 dollars per month with rations.

Sergeants ..... 33 dollars per month with rations.

Their arms and accoutrements to be also provided at the public expense.

The following appropriations were then made for carrying on the public works contemplated for the year, vizt.:—

For the erection of a public hospital, ..... £1,000

For the erection of a Court-house ..... 500

Ditto, roads and bridges ..... 500

That John Work and Roderick Finlayson, Members of this Council, and James Yates, Merchant, be appointed to act as Commissioners for the purpose of employing labourers and conducting the work connected with the road to be opened on the east bank of the Victoria Arm, and that they be authorised to draw upon the Hudson's Bay Company in furtherance of that object for the sum of £250, to be paid out of the appropriation for roads. And that the said Commissioners are required to account for the expenditure of the said sum.

That this Council do now adjourn.

#### 27th February, 1856.

The Council having met this morning pursuant to summons, the Governor being present and the following Members, to wit:—

John Tod, Senior Member,

James Cooper,

Roderick Finlayson,

John Work.

After a brief review of the proceedings of the Executive since the last meeting of Council, and of the state of the Colony, the Governor proceeded to lay before the Council certain Regulations touching the sale and registry of land which it is deemed expedient to establish without delay, and also to authorise the levying of certain fees for the purpose of defraying the cost of such registration, it was

Resolved, That the said Regulations be passed, and that the Colonial Surveyor be required to cause the same to be observed in all the Land Offices of Vancouver's Island.

First Colonial  
Militia.

Appropriations.

Building of  
road on east  
bank of  
Victoria Arm.

Regulations  
respecting  
sale and  
registry of  
land.

Public schools.

The Governor then called the attention of the Council to the subject of the Public Schools, and recommended that the Revd. Edward Cridge, District Minister of Victoria, should be appointed a Member of the Committee for inquiring into and reporting upon the state of the Public Schools, It was then

Rev. Edward  
Cridge  
appointed  
Member of  
Committee.

Resolved, That the Revd. Edward Cridge be, according to the Governor's recommendation, appointed a Member of the said Committee, and be requested to hold quarterly examinations and to report on the progress and conduct of the pupils, on the system of management, and on all other matters connected with the District Schools which may appear deserving of attention.

Military force  
to protect  
Colony against  
Northern  
Indians.

The Governor then directed the attention of Council to the defence of the country, which is at present entirely destitute of any military force; while the Northern Indians are beginning to arrive in the settlements, and it is reported on the authority of the Hudson's Bay Company's officers that a very large body of those savages may be expected this summer. It was therefore

Company of  
30 men  
authorized.

Resolved, That a Company of thirty, to consist of 1 Lieutenant, 1 Sergeant, and 2 Corporals and 26 Privates, be immediately raised and maintained at the publick expense until the Northern Indians leave the settlements, and that the pay of persons joining the said Company is not to exceed the following rates, vizt. :—

Privates .....30 dollars a month with rations.

Corporals .....31     "     "     "     "

Sergeants .....33     "     "     "     "

Their arms and accoutrements and one suit of uniform clothes to be also provided at the publick expense.

Appropriations.

The following appropriations were then made for the service of the year and for carrying on the publick works in progress, vizt. :—

For the erection of a Court-house .....£500

For roads and bridges ..... 500

That £200 of the above appropriation for roads and bridges be considered applicable to the construction of the road on the east side of the Victoria Arm, and the other £300 for the other roads in progress.

Resolved, That this Council do now adjourn.

4th June, 1856.

17

The Council having met this morning pursuant to summons, the Governor being present and the following Members, to wit :—

John Tod, Senior Member,

James Cooper,

Roderick Finlayson,

John Work,

The Governor proceeded to lay before the Council certain instructions lately received by him from the Secretary for the Colonies, instructing him to call General Assemblies of the people for the purpose of carrying Her Majesty's instructions fully into effect and for other objects. The subjects were freely discussed, and the Council adjourned at 3 o'clock p.m. till Monday, the 9th of June.

Instructions from Secretary of State for Colonies to call House of Assembly.

18  
9th June, 1856.

The Council having met this morning pursuant to adjournment, the Governor being present and the following Members, vizt.:—

John Tod, Senior Member,

James Cooper,

John Work,

Resume the consideration of Her Majesty's instructions for calling General Assemblies of the freeholders of Vancouver's Island. The subjects under consideration on the 4th inst. were as follows, vizt.:—

Consideration of Her Majesty's instructions touching General Assembly. Property qualification of Members and voters.

The property qualification of Members serving in the General Assembly:

The property qualification of voters:

The right of absentee proprietors to be represented in the General Assembly.

The Governor laid down as a principle that the custom or practice observed in England should, as far as possible, be adopted in the Colony in framing the rules for elections, and proposed that—

The ownership of £300 of freehold property or immovable estate should constitute the qualification of a Member of the Assembly:

That absentee proprietors shall be permitted to vote through their agents or attorneys:

That the qualification of voters should be the ownership of 20 acres of freehold land or upwards, as required by his instructions from the Crown.

The Council expressed their unanimous concurrence with those suggestions, and the proposed regulations are finally settled and approved.

It was then resolved, That the settlements should be divided into four electoral districts, vizt.:—

Four electoral districts.

The country east of Victoria Arm, and of a line from thence running in a northerly direction towards Sanitch so as to include Peers' farm:

Victoria District.

The country west of Victoria Arm and east of Pedder Bay, including McKenzie's and the farms west of Colquot's River:

Esquimalt District.

"Soke" District.

Nanaimo District.

From Pedder Bay to "Otter" Head, the headland beyond Soke:

Colville Town.

It was then resolved, That this Council do now adjourn.

2nd August, 1856.

19

The Council having met this morning pursuant to a summons issued on the 1st of this present month, the Governor being present and the following Members, vizt.:—

John Tod, Senior Member,

Roderick Finlayson,

John Work,

Victoria Colonial Church.

The Governor then laid before the Council for their consideration the draft of an Act having for its object the arrangement of the affairs of the Victoria Church, to be entitled "An Ordinance establishing Regulations for the Arrangement of the Affairs of the Victoria Colonial Church." The Council having read and approved the several clauses of the Act, it was duly passed, and the Council then adjourned.

14th February, 1857.

20

The Council having met this morning pursuant to a summons issued on the 13th of this present month, the Governor being present and the following Members, vizt.:—

John Tod, Senior Member,

Roderick Finlayson,

John Work,

"Supply Bill," £130 for defraying expenses of House.

The Governor then proceeded to lay before the Council "An Act granting the Sum of £130 for defraying the Unavoidable Expenses of the House of Assembly," which was read for the third time and passed the House on the 18th day of December last. The Council having read several clauses of the said Act, it was proposed as an amendment that the following words should be omitted in the preamble, that is to say: "Attending the conduction of the business," and the following words in the 8th clause, vizt.: "Licences of July 16th, 1856"; and that the Act be as follows:—

A Bill granting certain Sums of Money for the Use of the House of Assembly of Vancouver's Island.

Whereas it is necessary that certain sums of money be voted for defraying the unavoidable expenses of the House of Assembly of Vancouver's Island: Be it therefore enacted:—

1st. That £50 sterling be placed at the disposal of His Excellency the Governor to defray the expenses of copying statistics and documents for the use of this House.

2nd. That £10 sterling be granted to Mr. Robert Barr for his past services as Clerk of this House.

3rd. That £5 sterling be granted to Mr. Andrew Muir for his past service of Sergeant-at-Arms.

4th. That £25 sterling be allowed for the salary of the Clerk of the House for the year 1857.

5th. That £15 sterling be allowed for the salary of the Sergeant-at-Arms and Messenger for the year 1857.

6th. That £20 sterling be granted for lighting, heating, and furnishing the House of Assembly for the year 1857.

7th. That £5 sterling be granted for stationery for the use of the Members of the House of Assembly.

8th. That the above items be paid out of the revenue derived from the duty charged on licensed houses.

The Act as so amended was approved and passed.

The Governor then proceeded to lay before the Council a letter from Chief Justice Cameron, transmitting a copy of the "Rules and Manner of Proceeding to be observed in the Supreme Court of Civil Justice of Vancouver's Island," drawn up in virtue of the authority vested in the Court by Her Majesty's Order in Council, dated the 4th day of April, 1856, which was submitted for the approval of Council. This document was before the Council until evening, when an adjournment took place to Monday, the 16th instant.

Appropriations.

Supreme Court Rules.

Monday, February 16th, 1857.

The Council met this morning pursuant to adjournment, the Governor and the same Members being present as on Saturday, the 14th of instant.

Proceeded with the reading and consideration of the "Rules and Manner of Proceeding of the Supreme Court" for the remainder of the day, and then adjourned to Tuesday, the 17th instant.

Supreme Court Rules.

Tuesday, February 17th, 1857.

The Council met this morning according to adjournment, the Governor and the same Members being present as on Monday, the 16th of instant.

Completed the reading and consideration of the "Rules and Manner of the Proceeding of the Supreme Court," which were unanimously approved and passed in Council.

The Council then adjourned.

Supreme Court Rules.  
Marginal note in the Governor's handwriting: "Copy sent home."

11th October, 1858. 23

The Council having met this morning pursuant to a summons issued on the 8th of this present month, the Governor being present and the following Members:—

Roderick Finlayson.

John Work.

Hon. John  
Tod resigns.

The Governor then informed the Council that he had received a communication from Mr. Tod, resigning his office as a Member of the Council.

The Council then adjourned to Wednesday, the 13th instant, there not being a quorum.

13th October, 1858. 24

The Council having met this morning pursuant to adjournment, the Governor being present and only one Member, John Work (Mr. Finlayson being unavoidably absent on public business),

The Council adjourned, there not being a quorum.

15th November, 1858. 25

The Council met this morning pursuant to a notice issued the preceding day, the Governor being present and the following Members:—

Roderick Finlayson,

John Work.

Mr. Donald  
Fraser  
appointed  
Member of  
Council.

The Governor informed the Council that he had appointed Donald Fraser, Esquire, to be a Member of Council; and the oath of allegiance having been administered to him in presence of the Council, he took his seat at the Council Board.

The Council then proceeded to consider the following Bills, viz.:—

"Inns and  
Beer Houses."  
"Supply Bill."

"A Bill to amend the Law relating to Inns and Beer Houses."

"A Bill of Supply granting Sums of Money for the Improvement of certain Roads and Streets in the Town and District of Victoria, and for the Use of the House of Assembly; the said Sums to be paid out of the Fund to be received from the Duties raised from Licensed Houses for the Sale of Wines, Liquors, &c."

Liquor  
licences.

"An Act to amend the Law relating to the Licensing of Inns, Public and Beer Houses."

These Bills after amendment by the Council were duly passed.

The Council then adjourned.

26

December 1st, 1858.

The Council met this afternoon pursuant to a notice issued in the morning, the Governor being present and the following Members:—

Roderick Finlayson,  
John Work,  
Donald Fraser.

The Governor then introduced an "Act to authorize the Registering or Recording of Conveyances, Deeds, and other Instruments in Writing affecting Real Estate; and to create the office of Registrar-General of the Colony of Vancouver's Island and to define his Duties."

Registration  
of conveyances,  
deeds, etc.;  
Registrar-  
General.

After the discussion of certain amendments by the Council, the further consideration of the Act was postponed to another day.

The Council then adjourned.

March 22nd, 1859.

The Council met this morning pursuant to a summons issued on the 21st of this month, the Governor being present and the following Members:—

Roderick Finlayson,  
John Work,  
Donald Fraser.

The Governor then submitted for the consideration of the Council the "Act to provide for the Registering of Conveyances and other Deeds, &c.," premising that since last Session it had received the careful consideration and revision of Mr. Fraser and Judge Begbie.

"Registration  
of Deeds Bill."

The Bill was then read a first time and unanimously approved.

The following points received the more especial consideration of the Council:—

1. As to the addition of a clause providing for the registration of wills in the Registrar's office.
2. As to whether judgments of Courts of Law, being liens on real property, should be registered in this office.
3. As to the nature and amount of evidence requisite to entitle a deed to be registered, and especially how, in the case of the death of the parties who had executed and attested the deed, its genuineness should be determined.
4. The mode of registration of deeds executed before the passing of this Act. The two following cases were considered: (1.) Of deeds executed after the passing of the Act and before the 31st May next. (2.) Of lands sold on credit on which instalments had been paid but the full payment of which would not be made till after the above-mentioned period.

"Registration  
of Voters"  
Bill."

The further consideration of these cases was deferred.

The Governor then laid before the Council "A Bill for the Registration of Voters," which passed the House of Assembly.

The Bill having been read a first time, the Council was adjourned till to-morrow (Wednesday) at 10 a.m.

March 23rd, 1859.

The Council met this morning pursuant to adjournment, the Governor being present and the following Members:—

John Work,

Donald Fraser.

The minutes of the last meeting having been read and confirmed,

"Registration  
of Deeds, &c."

The "Bill for the Registration of Deeds" was a second time considered by the Council (v. Mar. 22).

Discussion on  
"Alien Land  
Titles."

In connexion with this Bill, His Excellency referred to a Bill now in progress through the House of Assembly for the Quieting of Alien Land Titles, and a lengthened conversation on the subject of such titles ensued.

The suggestion of legislating on the subject by the introduction of a clause into the "Registration of Deeds Bill" was objected to on the ground of its tending to change the laws of England by indirect enactment.

Political  
influence  
of aliens.

Certain objections against aliens being entitled to hold land were discussed, namely, that the possession of land would give to aliens a certain political influence which, especially at a time when the British element of the population was in its infancy, might prove detrimental to the interests of the country.

The holding of lands by aliens without political privileges accompanying the right might also give birth to discontent and agitation.

Aliens to hold  
land under cer-  
tain conditions.

On the other hand, it was thought that a liberal policy in reference to this question would rather tend to strengthen than impede the Government. And it was further thought that a measure (upon this subject) entitling aliens, on declaring their intention to become British subjects and on their taking the oaths of allegiance, to hold land might tend to secure the good-will and pave the way for the naturalization of foreigners of various nations.

Such a measure might pave the way for the adoption of the widest form of the subject, which was expressed in the principle that all persons should be allowed to deal in land and to hold and transfer landed property with the same liberty and facility as in any other article of merchandise.

In reference to the suggestion of communicating with the Home Government before legislating on the subject, His Excellency alluded to a despatch he had received from England last July, in which he was instructed to encourage the settlement of foreigners in British Columbia with a view to stimulating the developement of the resources of the country; a despatch which His Excellency interpreted to recommend, among other things, the pursuance of a liberal policy with regard to the tenure of landed property by aliens.

Despatch from England relating to settlement of foreigners.

The case of aliens non-resident was also considered.

In the course of this discussion certain Acts were referred to, namely:—

1. An Act to amend the Law relating to Aliens, 7 & 8 Victoria, by which: (1) Aliens might hold land on lease for twenty years with certain privileges; (2) aliens might by application to the Secretary of State become entitled to hold land and to enjoy the privileges of British subjects, with the exception of sitting in the Privy Council or holding a seat in Parliament.

2. An Act for "Quieting Estates and preventing Lawsuits" in the Bermudas in the 6th Queen Anne.

3. An Act passed in the Canadian Legislature (1858), entitled "An Act to amend the Naturalization Laws," referring to another Act of 12 Victoria, which was not found.

The Governor then laid before the Council the "Bill for the Registration of Voters," which, being found imperfect in some of its provisions and enactments and to require amendment, was deferred to another session.

"Registration of Voters."

His Excellency then laid before the Council "An Act to enfranchise the Town of Victoria," which passed the House of Assembly June 1st, 1857, the passing of which by the Council had been from various reasons deferred from time to time.

"Enfranchising the Town of Victoria."

In connexion with this Bill, the Proclamation of the Governor dividing the Colony into Electoral Districts and issuing writs calling an Assembly of Representatives was referred to.

Electoral Districts.

His Excellency also signified his intention of conferring with the Lower House on the subject of this Bill.

Conference with "Lower House."

#### March 25th, 1859.

The Council met this morning pursuant to adjournment, the Governor being present and the following Members:—

John Work.

Donald Fraser.

The Governor introduced the subject of declaring Victoria a free port. His Excellency having been requested by the Home Government to give his opinion on this subject had done so. He

|                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Free port.                  | considered the measure to be one the importance of which to the interests of this Colony could not be overestimated. For—                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Imports from San Francisco. | 1. Nearly all the goods consumed in Vancouver Island, with the exception of those which had been brought by the annual ships of the H.B. Company, were imported from San Francisco, where, as in other American ports, an import and municipal duties amounting to about 30 per cent. on the value were imposed on all foreign goods. The imports from San Francisco to Victoria during the past year amounted to about £300,000, the import duty on which paid at that port amounted to about £90,000.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Trade with England.         | By opening a direct trade with England and other producing countries we should receive goods at rates exceeding the cost price by little more than the freight. The "Guadalete" was the first vessel, besides the H.B. Company's ships, which had brought goods to this port direct from England; but she would soon be followed by others, not only from England, but from other ports, and in proportion as this took place would goods of all kinds become cheaper than under the old system of importing them from San Francisco.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Foreign trade and shipping. | 2. Another advantage would accrue from the export trade, in sending our produce, such as gold, &c., direct to England, instead of, as now, to San Francisco.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Taxes.                      | 3. The abundance and cheapness of our market under this system would make it a centre of trade and attract ships from ports on the Sound, from the Sandwich Islands, the Russian American settlements, &c., who would discover that they could obtain supplies of flour, grain, and manufactured goods of various kinds cheaper here than at San Francisco.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Lighthouse on Race Rocks.   | 4. The value of all kinds of property, and especially of real estate, would be enhanced.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Indian reserves.            | It was remarked in reference to this subject that the people of San Francisco had already begun to make a market of Victoria by buying goods here.<br>With regard to creating a revenue, there were various sources available, such as a direct tax, taxes on trades, professions, &c., &c.<br>The Governor informed the Council that he had strongly urged on the Home Government the necessity of building a lighthouse on the Race Rocks, commonly called Rocky Point.<br>His Excellency also informed the Council of a correspondence he had had with the Home Government in reference to settling the Indians in permanent villages. He read a copy of a letter which he had written in answer to one addressed to him by the Colonial Secretary, making enquiries and suggestions on this subject. In that letter he informed the Government that he had made anticipatory reserves in the various districts, including the cultivated fields and village sites of the Indians, and he proposed that the Indians should be located on certain parts of those reserves, and |

the remainder be leased and the proceeds applied to their temporal and spiritual elevation in building churches, schools, and houses for them to live in, and providing them with teachers and ministers, etc. One feature of the system was to eventually make it self-supporting. In the United States immense expense had been incurred to very little purpose in settling the Indians. For instance, Congress had made a grant for this purpose, for California alone, of 358,000 dollars in one year, and yet through some defect in the plan or administration the Indians are diminishing and becoming more hostile and demoralised.

The "Bill for Enfranchising the Town of Victoria" was read a second time.

Objection was raised to the qualification of £10 rental as too low.

In connection with the question of voters, the case of those British subjects who had renounced their allegiance and now wished to return to it was discussed, and the oaths of renunciation enforced in America were referred (to). The question whether they should be permitted to vote on their taking the oaths of allegiance was discussed. The explicit and absolute nature of the American oath was urged against the measure, and the principle that by the British Constitution the allegiance of a British subject was inde-feasible was urged in support of it.

A plan contemplated by His Excellency for building the various Government offices and residences on the Indian Reserve near James Bay and selling the Government land near the Fort to defray the expenses was next discussed.

April 8th, 1859.

The Council met this morning pursuant to a summons issued the preceding day, the Governor being present and the following Members:—

Roderick Finlayson,

John Work,

Donald Fraser.

The "Bill for the Registration of Voters" being found imperfect and requiring amendment (*see* Min. March 23rd) was ordered to be filed.

The "Bill for the Registration of Deeds" was considered and read a third time; but the passing thereof was deferred in order that it might, if found necessary, receive additions or improvements from Lord Campbell's Registration Act.

The "Bill for enfranchising the Town of Victoria" was again considered by the Council. It was objected that the proposed measure seemed calculated to give a preponderating influence to

Indian  
reserves.

"Town of  
Victoria."

Oath of  
allegiance.

Removal of  
Government  
offices to site  
occupied by  
present  
Government  
Buildings.

"Registration  
of Voters."

"Registration  
of Deeds."

"Town of  
Victoria."

"Solemniza-  
tion of  
Marriages."

"Land for  
Religious  
Purposes."

"Preserva-  
tion of Game."

"American  
Coinage  
Legal Tender."

Value of  
American  
dollar.

Copy sent  
home, April  
25th.

"Marriages  
Bill."

the town representation and to lead to the taxation of the country at large for the benefit of the town.

The Bill was read a third time and deferred for further consideration and remodelling.

The Governor then introduced "A Bill to provide for and to regulate the Solemnization and Registration of Marriages." The propriety of registering the ages, places of birth, and names of parents of parties on their marriage was discussed.

The Bill was read a first time.

His Excellency next introduced "A Bill to authorise Trustees to hold Lands, &c., in Trust for Religious Purposes."

Two questions were discussed in reference to this Bill: First, as to limiting the trust to property in the Colony; and, secondly, the difficulty which might arise in the case of a schism in the Church for the benefit of which the property was held in trust. In numerous cases in England and the United States property through such schism had been diverted to the support of a form of religion widely different from that which the founder contemplated.

The Bill was read a first time.

While the Council was sitting two Bills were sent up from the House of Assembly which had passed that House, which the Governor proceeded to lay before the Council:—

1. A Bill for the Preservation of Game. This Bill was read a first time and approved of.

2. A Bill to constitute the Coinage of the United States a Legal Tender.

Certain verbal inaccuracies were noticed in the Bill.

The fixing the value of the American dollar at any definite sum was objected to on the ground that the regulation of its value should be left to the operation of the mercantile laws by which the exchange of money was generally adjusted. And fixing the value of the dollar at 50 pence was virtually giving a premium on that coin. Read a first time. Deferred.

The Council then adjourned to Monday, the 11th instant, at 10 o'clock a.m.

#### Monday, April 11th, 1859.

The Council met this morning pursuant to adjournment, the Governor being present and the following Members:—

Roderick Finlayson,

John Work,

Donald Fraser.

A new "Bill for the Passage of an Act respecting Marriages by Dissenting Ministers" was substituted for that notice in the Minutes of the last meeting, and read a first time.

Also a new "Bill for the Passage of an Act respecting the Property of Religious Institutions" was substituted and read instead of that which was noted in the last meeting.

The "Bill for enfranchising the Town of Victoria" was referred to the Crown Solicitor for remodelling.

The "Bill for the Preservation of Game" was amended and duly passed.

The "Act for the Registration of Deeds" was deferred to the next Session.

The Council then adjourned to Wednesday at 10 a.m.

"Property of Religious Institutions."

"Town of Victoria."

"Game Bill" passed.

"Registration of Deeds."

### Wednesday, April 13th, 1859.

The Council met this morning pursuant to adjournment, the Governor being present and the following Members:—

Roderick Finlayson,

John Work.

The Members present not being sufficient to form a quorum, the Council, after some conversation on the Bills minuted at the last meeting, adjourned to to-morrow, Thursday, April 14th, 1859.

### Thursday, April 14th, 1859.

The Council met this morning pursuant to adjournment, the Governor being present and the following Members:—

Roderick Finlayson,

John Work.

Donald Fraser.

The "Bill for the Passage of an Act respecting marriages in the Colony of Vancouver's Island and its Dependencies" and the "Bill for the Passage of an Act respecting the Property of Religious Institutions in the Colony of Vancouver's Island and its Dependencies" were again read and duly passed.

The "Bill for the Registration of Deeds" was again under the consideration of the Council, and certain additions, including one respecting a seal of office for the Registrar-General and its weight as testimony, were approved of.

It was thought desirable to make no distinct provision for the registration of deeds under the circumstances noted in the Minutes of March 22nd. 4. (1). (2).

The Bill was then duly passed.

The Council then adjourned to Saturday, April 16th, 1859.

"Marriages Bill" passed.

"Religious Property Bill."

"Registration of Deeds Bill."

Saturday, April 16th, 1859.

The Council met this morning pursuant to adjournment, the Governor being present and the following Members:—

Roderick Finlayson,  
John Work,  
Donald Fraser.

“Town of  
Victoria.”

The “Bill for enfranchising the Town” was again under consideration and certain verbal amendments agreed to.

Voting of  
Government  
officials.

The following points were discussed:—

1. Whether salaried Government officials should be permitted to vote, in reference to which point “Wordsworth’s Law of Elections” was referred to, p. 368, relative to disqualifications for voters.

Respective  
interests of  
town and  
country.

2. As to the effect of the proposed measure and of the present representative system generally on the respective interests of town and country, it being contended that the former would be likely to acquire a preponderating influence in the House of Assembly, and the country generally might find itself taxed to carry into effect town improvements. On the other hand, it was observed that the country members would, at the present at least, be most numerous; and also that in the election of such members the town electors, as such, would have no vote.

The Council then adjourned to Wednesday, April 20th, at 10 a.m.

Copied and  
forwarded to  
England, April  
26th, 1859.

MEMO.—The Minutes of Council from this date to 10th April, 1860, copied and transmitted to the Secretary of State.

Tuesday, July 5th, 1859.

The Council met this afternoon pursuant to a summons issued the same day, the Governor being present and the following Members:—

John Work,  
Donald Fraser.

“Inns, Public  
and Beer  
Houses.”

“A Bill to extend the Duration of the Laws relating to Inns, Public and Beer Houses,” sent up from the House of Assembly, was under the consideration of the Council.

The Preamble of the Bill being found inaccurate, both as to the date of the passage of the Act which enacted that the Ordinance of Council of 1853 on Licensing should at a certain period be no longer in force, and also as to the date of that certain period, enquiry was directed to be made of the Speaker of the House of Assembly for information as to the authority for the dates alluded to.

In further discussing this Bill, the above-mentioned Act was referred to, viz., the "Act to amend the Law relating to the Licensing of Inns, Public and Beer Houses," which passed the Assembly on the 29th day of April, 1858, and the Council on the day of November, 1858, whereby (*see* third clause) it was enacted "That the Ordinance relating to Licensed Houses shall expire on the 29th day of April, 1859."

Liquor  
licences.

It was the opinion of the Council that the Bill under consideration, being found to contain provisions inconsistent with previous enactments, and proposing to revive an Ordinance which, by virtue of the Act referred to, had for nearly three months ceased to be of force, was unsatisfactory in its present form.

Bill unsatis-  
factory.

The Council was also of opinion that, however it might be corrected or amended, this Bill would still leave the law on the subject imperfect and uncertain, and render necessary further legislation.

And incapable  
of amendment.

It was therefore resolved that a new and comprehensive measure should be framed, embracing, so far as seemed fit, all the previous enactments on the subject, together with such further provisions as should appear requisite.

New Bill  
proposed.

In accordance with this resolution, the Crown Solicitor was directed by His Excellency to draw up a Bill incorporating and containing the substance of the following measures and enactments, namely:—

And ordered.  
Consolidation  
of Acts.

1. The Ordinance of Council passed on the 29th day of March, 1853, authorising the Levying of certain Duties on Licenses for the Sale of Spirituous Liquors.

Titles of Acts  
consolidated.

2. An Act passed on the 15th day of November, 1858, entitled "An Act to amend the Law relating to the Licensing of Inns, Public and Beer Houses."

3. An Act passed on the 15th day of November, 1858, entitled "An Act to amend the Law relating to Inns and Beer Houses."

4. A Bill sent up from the House of Assembly, and under the consideration of the Council this day, namely "An Act to amend the Law relating to Inns, Public and Beer Houses."

The last-mentioned Bill having been considered and amended by the Council was disposed of in the manner noted in the preceding Minute.

Passed the  
Assembly, 22nd  
February, 1859.

The Council then adjourned to Wednesday, 6th inst. (tomorrow), at 11 a.m.

#### Wednesday, July 6th, 1859.

The Council met this morning pursuant to adjournment, the Governor being present and the following Members:—

John Work,

Donald Fraser.

Chief Justice  
Cameron  
made Member  
of Council.

"Sale of  
Liquors."

Licenses for  
less than one  
year.

"Completion  
of Streets  
Bill."

"Sale of  
Liquors."

Laws of  
England in  
the Colonies.

"Sale of  
Liquors Bill"  
passed.

The Governor informed the Council that he had appointed Chief Justice Cameron to be a member of Council, and the oath of allegiance having been administered unto him in presence of the Council, he took his seat at the Council Board.

"An Act to authorize and regulate the Sale of Wines, Spirits, and other Liquors" was considered by the Council and read a first time.

This Bill was framed in consequence of a resolution of the last meeting of Council for the passage of a comprehensive measure on the Sale of Liquors. The scope and object of this Bill, as contemplated by the Council, are more fully expressed in the Minutes of the last meeting.

Some discussion ensued on the expediency of granting licenses for periods of less than one year. On the one hand, it was urged that the present law pressed hardly on the general dealer, who, in order to sell a small consignment of liquor, must take out a license for one year; on the other hand, it was urged that, under cover of a quarter's license, a dealer might throw into the market a quantity of spirits sufficient to supply any number of retail dealers for a whole year.

"A Bill to enforce the Completion of certain Streets already or about to be macadamized," sent up from the House of Assembly, was read a first time.

The Council adjourned to to-morrow, Thursday, at 11 a.m.

#### Thursday, July 7th, 1859.

The Council met this morning pursuant to adjournment, the Governor being present and the following Members:—

John Work,  
Donald Fraser,  
David Cameron.

The "Act to authorize and regulate the Sale of Wines, Spirits, and other Liquors" was read a second time and received various corrections and additions.

Some discussion took place on the propriety of passing a declaratory law proclaiming the laws of England to be in force in this Colony, in order to clear up any uncertainty which might prevail upon the subject in the minds of many persons; on the other hand, it was said to be an understood principle that English law was in force in Colonies except where contravened by local enactments, and "Chalmer's Colonial Opinions," p. 207 (American Edition), was referred to supporting this view.

The "Act to authorize and regulate the Sale of Wines, Spirits, and other Liquors," after further consideration by the Council, was passed, and ordered to be sent to the House of Assembly.

The Council adjourned to Friday, the 8th inst. (to-morrow), at 11 a.m.

**Friday, July 8th, 1859.**

The Council met this morning pursuant to adjournment, the Governor being present and the following Members:—

John Work,

Donald Fraser.

"A Bill to authorize the Macadamizing of certain Streets," which had passed the Assembly, was laid before the Council, and after consideration was passed without amendment.

"Macadamizing of certain Streets."

The Governor ordered that an account should be kept of all monies granted by the Legislature for public purposes.

Account of appropriations.

A motion of the House of Assembly calling for a return of the expenditure of all monies by the Government for the month of June was adverted to. It was remarked that the House should also have provided the accountant. It was, moreover, difficult to see what legislation could be based on a return of one month's expenditure, unless the House conceived itself to have made some discovery.

Return of one month's expenditure.

The hardship of the case of a general merchant being unable to sell an occasional consignment of liquor without a license was again discussed. The following reasons were given for allowing the law to take its natural course: Though there might be inconvenience in some individual cases, it would have the effect of restraining the importation and consumption of liquors, especially of those of a deleterious character, which was the first object of the license laws. (2.) A general merchant can under existing regulations dispose of a consignment of liquors to a licensed dealer. (3.) All inconvenience may be obviated hereafter by the passage of a general licensing law for the sale of all kinds of merchandise, on the introduction of which merchants might be credited for any sum which they had paid for licenses on consignments of liquor. On the other hand, it was said that the license laws would not limit the consumption of liquors; (2) that licensed dealers took advantage of the necessities of consignees to give them less than the value of their goods; (3) that it cost them a great deal of trouble and inconvenience to get rid of such consignments.

Hardship of license laws.

The question of Ways and Means was discussed in connexion with that clause of the Streets Bill which provided that the Governor be authorised to defray the expense of macadamising certain streets out of the money arising from the tax on licensed houses. The course contemplated by His Excellency was, as soon as the Home Government notified that the Charter of the H.B. Comps. was withdrawn, to apply to the House of Assembly for ways and means to carry on the expense of the Government; and

"Streets Bill."  
Ways and Means.

H.B. Co.'s Charter.

Ways and Means.

Hesitation of the Assembly to tax Victoria.

House competent.

Schedule of Ways and Means.  
Select Committee appointed.

Mr. Cameron's assent to "Streets Bill."

"Wardens of the Hills."  
Compare "Chiltern Hundreds," *vide* May, Parl. Practice, pp. 39-42.

Resignation of Members in New South Wales.

if they were not forthcoming, to fall back on the money arising from the tax on licensed houses. It was considered that no obstacle would be found to this course in the Bill just passed.

At the same time it was considered by His Excellency and the Council that a more speedy adjustment of this subject was highly desirable if it could be effected. The reason alleged by the House of Assembly for not raising means by levying duties, &c., on the town, namely, that the town was not represented, was considered insufficient, inasmuch as even under present circumstances the town was more fully represented than almost any town in England, if we took into consideration the proportion of voters and members. The objection was also inconsistent with the proceedings already taken by the House in imposing license duties.

It was also considered that, notwithstanding the absence of one Member and the resignation of another (that resignation not having been yet accepted), the House was fully competent, if willing, to take the subject into consideration at once.

After some discussion on a Schedule of Ways and Means laid before the Council by the Governor, His Excellency appointed Mr. Work, Mr. Fraser, and Chief Justice Cameron a Select Committee to prepare a scheme of Ways and Means to defray the expenses of the Government.

The Council then adjourned to Monday, the 11th inst., at 11 o'clock.

#### July 11th, 1859 (Monday).

The Council met this morning pursuant to adjournment, the Governor being present and the following Members:—

John Work,  
Donald Fraser,  
David Cameron.

The last-mentioned Member (Mr. Cameron) not having been present at the last meeting of Council, read, and gave his assent to the "Bill to authorise the Macadamising of certain Streets, &c."

"A Bill to create certain Wardens for the Surveillance of the Hills," which passed the Assembly, July 8th, 1859, was read a first time.

In reference to this Bill, clauses in the New South Wales Reform Bill were referred to, by virtue of which members of the Council and of the Assembly might resign their seats by a letter to that effect addressed to the Governor of the Colony or to the Speaker of the House of Assembly, as the case might be. (*See* 18 & 19, Victoria, Chap. 54, Sched. (1), Sects. 4 & 25.)

Sec. 5 & 26 of the same Act were referred to relative to seats vacated by absence and other causes.

It was considered that a similar clause might be introduced into the new Reform Bill for Vancouver's Island now under consideration, or a distinct enactment might be passed upon the subject, and thus the inconvenience of the proposed measure of creating Wardens of the Hills be avoided.

"Wardens of the Hills Bill."

His Excellency consulted the Council on a motion of the House of Assembly of July 4th enquiring whether the Colonial Legislature had power to alter the land system. It was advised that an answer should be returned to the effect that the Legislature had not that power at present; but that there was reason to believe that it might be acquired on the Assembly's securing a Civil List to Her Majesty for the expenditure of the Colony. (*See Governor's reply to said communication of date.*) The general purport of this reply agreed with that of a communication addressed by His Excellency to the Assembly on a similar subject on 7th April, 1859.

Land system.  
Motion of Assembly.

Civil List.

18 & 19 Victoria, Chaprs. 54, 55, 56, were referred to on this subject.

Waste lands in Australian Colonies.

The Governor laid before the Council "A Bill to increase the Number of Representatives of the People of this Colony in the House of Assembly; and to create New Electoral Districts and for other Purposes," which passed the House of Assembly.

"Reform Bill." Read first time.

The Bill was read a first time.

A discussion arose as to whether the Legislature had by its Constitution power to extend the franchise. The Governor referred to a correspondence which took place in between himself and the Colonial Secretary, from which it appeared that the Legislature has this power.

Power to extend Franchise.

The Council adjourned to Thursday, the 14th inst., at 11 a.m.

#### Thursday, July 14th, 1859.

The Council met this morning pursuant to adjournment, the Governor being present and the following Members:—

Roderick Finlayson,  
John Work,  
Donald Fraser.

The Governor laid before the Council an "Act to provide for the Resignation and Vacating of Seats in the House of Assembly and for the Election of Members on Vacancies," intended as a substitute for the "Bill for creating Wardens of the Hills." The Bill was read a first time.

Bill for Resignation of Members.

The "Bill for creating Wardens of the Hills" was, on its second reading, rejected by the Council.

"Wardens of the Hills Bill" rejected.

|                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                           | <p>The Governor laid before the Council certain petitions, namely:—</p> <ol style="list-style-type: none"> <li>1. From several respectable inhabitants of the Town of Victoria.</li> <li>2. A Petition containing thirty or forty signatures.</li> <li>3. A Memorandum of a Minute of Proceedings at a meeting on the subject of the petitions.</li> </ol>                                                                                                                                                                                                            |
| Petitions for reduction in price of land.                 | <p>The petitioners prayed for a reduction in the price of country lands to actual settlers, and that the price be fixed at <math>1\frac{1}{4}</math> dollars per acre in five years.</p>                                                                                                                                                                                                                                                                                                                                                                              |
| Governor's views.                                         | <p>His Excellency also informed the Council that he had replied to the petitioners to the effect that the Legislature had no authority to alter the price of land. (2.) That he had himself had no authority to do so. (3.) That therefore the only relief he could afford the petitioners was to allow a temporary reduction in the payment of a first instalment, the balance of such instalment being added in equal proportions to the three other instalments, so as that the whole sum paid should eventually amount to the prescribed sum of 20/ per acre.</p> |
| Hon. Donald Fraser to prepare Minute for H.M. Government. | <p>After full deliberation on the subject, His Excellency requested a Member of the Council (Mr. Fraser) to draw up for transmission to Her Majesty's Government a Minute containing a statement of His Excellency's communications with the petitioners, and embodying the sentiments of the Council on this subject. Among the latter was a written memorandum of the views entertained by another member, Mr. Finlayson.</p>                                                                                                                                       |
| "Representation Bill."                                    | <p>The "Bill to increase the Number of Representatives, &amp;c." was read a second time and various amendments proposed.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Rules and Orders.                                         | <p>In the course of this meeting the subject of rules for the guidance of the proceedings of the Council was touched upon.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|                                                           | <p>The Council then adjourned to Saturday, the 16th inst., at 10 a.m.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

Saturday, July 16th, 1859.

The Council met this morning pursuant to adjournment, the Governor being present and the following Members:—

Mr. Finlayson,  
Mr. Work,  
Mr. Fraser.

Lighthouses.

The Governor submitted to the Council a correspondence between himself and the Colonial Office on the subject of the erection of lighthouses on the coast of Vancouver's Island, and the draught of a communication from His Excellency addressed to the House of Assembly this day, asking that body to provide the means of supporting the lighthouses when erected.

His Excellency intimated his intention to take immediate measures for the erection of the lighthouses with all possible and prudent despatch, of which intention the Council, in view of the urgent necessity which exists for the lights, highly approved.

The Council also would add their high sense of the propriety and zeal with which His Excellency has brought this most important measure before Her Majesty's Government, and would respectfully tender their thanks for the patriotic and ready manner in which the Government has responded to His Excellency's call for aid in this matter.

The "Act to provide for the Resignation and Vacancy of Seats in the House of Assembly and for the Election of Members on Vacancies" was read a second time.

The Council then adjourned to Monday next.

Governor's  
efforts com-  
mended.

Resignation of  
Members, &c.

#### Monday, July 18th, 1859.

The Council met this morning pursuant to adjournment, the Governor being present and the following Members:—

Mr. Finlayson,

Mr. Work,

Mr. Fraser,

Mr. Cameron.

The "Act to provide for the Resignation and Vacancy of Seats in the House of Assembly and for the Election of Members on Vacancies" was read a third time and passed the Council.

The License Bill, which passed the Council July 7th inst. and subsequently received certain amendments in the House of Assembly, was again laid before the Council.

His Excellency and the Council were of opinion that the amendments of the Assembly had introduced certain inconsistencies into the Bill, and materially altered its character; but owing to the non-existence of any law upon the subject for the present guidance of the Magistrates, who were to hold an adjourned meeting for the purpose of granting licenses on the 21st inst., and to the impossibility of procuring another meeting of the House before that time, owing to the absence of some of the members, it was the opinion of the Council that the Bill should pass as amended in the Assembly; and the rather as the whole subject would have to be revised by the Legislature at no distant period.

On these considerations, therefore, the Bill as amended by the House received the assent of the Council.

"An Act to regulate the Admission of Barristers, Attornies, and Solicitors of Colonial Courts, and Solicitors of the Supreme Court of Scotland in the Supreme Court of Civil Justice of Van-

"Resignation  
of Members  
Bill."

"Liquor  
License Bill."

Amendments  
of House  
inconsistent.

"Liquor  
Bill."

Admission of  
Barristers  
to Courts.

|                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Admission of Barristers, Attorneys, and Solicitors. Origin of the Bill. | <p>couver's Island" was introduced and read, but owing to some imperfections in the drafting of the Bill it was withdrawn for improvement.</p> <p>A discussion arose on the competency of the Legislature to deal with this subject, which question was decided by a reference to a communication addressed to the Governor by the Colonial Secretary, who informed His Excellency that he had received a petition from the attorneys of the Supreme Court of Edinburgh complaining that they were debarred from practising in the Courts of Vancouver's Island, to which he had made reply that he would address the Governor on the subject with a view to its being brought under the consideration of the Legislature of the Colony, whose province it was to grant them this permission. His Excellency had replied to this communication suggesting that the proposed measure might be so framed as to give admission to Colonial Barristers as well as to the applicants referred to.</p> <p>(For Minute on Custom-house defalcations <i>see</i> Minutes of next meeting.)</p> <p>The Council then adjourned to Thursday next at 11 o'clock.</p> |
| Custom-house defalcations.                                              | <p style="text-align: center;"><b>Thursday, July 21st, 1859.</b></p> <p>The Council met this morning pursuant to adjournment, the Governor being present and the following Members:—</p> <p style="padding-left: 40px;">Roderick Finlayson,<br/>John Work,<br/>Donald Fraser.</p> <p>The following Minute omitted at the last meeting was read:—</p> <p>His Excellency laid before the Council (July 18th, 1859) a memorial addressed to the Governor and Council by Mr. Anderson, in reference to the investigation now pending into the custom-house defalcations.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Council declines to entertain the subject.                              | <p>The Council declined entertaining or passing any opinion on the subject, which they conceived to belong only to the Executive, and not to come under their province as a legislative body.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Minute on land system.                                                  | <p>The paper prepared by Mr. Fraser in accordance with the Minutes of Council of July 14th, embodying the sentiments of the Council on the subject of alterations in the system of disposing of the Crown lands in this Colony, was read and highly approved of by the Council and received the signatures of the Members present.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Bill to admit Barristers, etc.                                          | <p>The "Act to admit Barristers, &amp;c., in the Supreme Court of Civil Justice" was read a second time.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Ways and Means.                                                         | <p>The subject of devising Ways and Means for carrying on the expenses of the Government was again introduced before the Council by His Excellency, who enquired whether the Committee appointed July 8th inst., had taken the subject into consideration.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

The Committee replied that, not being possessed of any statistical information as to the amount of landed and other property in the Colony, they had not as yet been able to form any estimate on the subject.

His Excellency then ordered from the Land Office the following returns:—

Land Office  
returns.

1. Of the Rural Land sold in Vancouver's Island since the commencement of the Colony, in the respective Districts separately stated.

2. Of the number of Town lots sold in Victoria and other Towns of Vancouver's Island during the same period.

3. Of the number of Suburban Lots similarly stated.

The Council then adjourned to Tuesday next (July 26th) at 10 a.m.

#### Tuesday, July 26th, 1859.

The Council met this morning pursuant to adjournment; but owing to the number of Members present being insufficient to form a quorum, the Council did not proceed to business, but was adjourned to Thursday next at 10 a.m.

#### Thursday, July 28th, 1859.

The Council met this morning pursuant to adjournment, the Governor being present and the following Members:—

Mr. Finlayson,

Mr. Work.

Mr. Fraser.

The "Bill to enforce the Completion of Streets" was read a second time and largely discussed.

"Completion  
of Streets."

The Council being of opinion that the operation of the Bill would in many points of view be aggressive, and disapproving generally of its principle, it was ordered to be laid upon the table for revision.

The subject of portions of the Old Saanich Road, of which Government Street is a continuation, having been sold by the Colonial Surveyor was discussed; in reference to which His Excellency and the Council were of opinion that, both on account of that road having been used as a public highway, having been improved at the public expense, as well as that it was the most convenient and suitable road as a continuation of Government Street, and an avenue into the Saanich District, it was to be regretted that the sale had been made. His Excellency, who had not been made aware of the transaction, had always been of opinion that Govern-

Sale of part  
of Saanich  
Road.

|                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Saanich Road.                                       | ment Street should form the continuation of the road from the Saanich Country to the sea, in the same manner as Fort Street was the proper continuation of the road from the country in that direction.                                                                                                                                                                                                                                                                                                                                                                   |
| Select Committee.                                   | His Excellency then appointed Mr. Finlayson and Mr. Fraser a Select Committee to make enquiry of the Surveyor, Mr. Pemberton, on the following points:—<br><ol style="list-style-type: none"> <li>1. As to the reasons for which the land in question had been sold.</li> <li>2. As to the terms on which it might be bought back.</li> <li>3. On the subject of an official grade for all the streets of the town.</li> </ol>                                                                                                                                            |
| Official grade.                                     | The hardship and injury often accruing to owners of property from the want of an official grade was insisted on in the Council, and various cases in point cited.                                                                                                                                                                                                                                                                                                                                                                                                         |
| Return of Land Sales.                               | The Council was informed from the Surveyor that the return of Land Sales (ordered July 21st) was not yet ready.                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Invasion of San Juan.<br>American troops landed.    | His Excellency then proceeded to lay before the Council information which he had received of the disembarkation on the 20th inst., of American troops on the Island of San Juan with a bastion, guns, ammunition, &c.<br>His Excellency was of opinion that this was an attempt to intimidate the Government into a compromise, and that, while the wisest and most temperate measures should be adopted, the firmest attitude should be maintained by the representatives of Her Majesty's Government.                                                                   |
| Major de Courcy appointed J.P. for San Juan Island. | His Excellency also informed the Council that he had just appointed Major de Courcy to be Justice of the Peace for the Island of San Juan, and had despatched him thither in H.M.S. "Satellite," with instructions to warn off unauthorised persons from squatting on the ground in question, and having thus taken such steps as the emergency seemed immediately to require, he wished to have the assistance and advice of the Council on the subject.                                                                                                                 |
| Anxious discussion.                                 | A long and anxious discussion then ensued, the Council being deeply sensible of the magnitude and importance of the crisis.                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Points raised.                                      | The discussion referred mainly to the following points:—<br><ol style="list-style-type: none"> <li>1. As to who were entitled to make complaint against squatters.</li> <li>2. As to the jurisdiction of the Magistrate to take cognisance of proceedings in case of trespass.</li> <li>3. An alleged reason given by the Americans for the invasion, namely, that it was necessary for the purpose of protecting themselves against the Indians.</li> <li>4. A suggestion that, not the Magistrate, but the occupier of the lands, should warn off intruders.</li> </ol> |

5. As to whether any arrangements had been come to between the Governments for the neutral occupation of the Island, pending the adjustment of the boundary question.

San Juan  
Island affair.

6. As to the terms and interpretation of the treaty itself, and the present state of the negotiations, in reference to which, Mr. Young, Secretary to the Boundary Commission, who was introduced to the Council by His Excellency, gave much interesting and valuable information.

Mr. Young, of  
the Boundary  
Commission,  
gives informa-  
tion.

His Excellency also referred to a correspondence which had taken place in 1855 between Governor Stevens and himself in reference to the seizure of a number of sheep on San Juan Island, the property of the Hudson's Bay Company, by an alleged official of the American Government, in which he, Governor Douglas, had remonstrated against the act, and to which Governor Stevens had returned an evasive reply; and the matter was still under the consideration of the two Governments.

Seizure of  
sheep on San  
Juan Island.

The "Bill for the Admission of Barristers" was read a third time.

"Barristers  
Bill."

Two main objections were urged against the Bill:—

Objections.

1. It would admit a class of lawyers not acquainted with the practice of the English law.

2. A class of lawyers whose interest it would be to encourage litigation.

An objection was made also to the clause which provided that the Judge should examine and decide on the claims of the candidates for admission; on the grounds that this might give occasion to arbitrary measures. It would be preferable that the form and scope of the examinations should be prescribed by some fixed regulation, and according to this the claims of candidates should be decided.

Examination  
of Barristers  
and Solicitors.

The Bill was then referred for revision.

The Council was then adjourned till further notice.

#### Saturday, September 3rd, 1859.

The Council met this morning pursuant to notice, the Governor being present and the following Members:—

Mr. Work.

Mr. Finlayson,

Mr. Fraser.

The Governor proceeded to lay before the Council "A Bill to amend the Law relating to the Representation of Vancouver's Island and its Dependencies."

"Representa-  
tion Bill."

The Bill was read a first time, and a discussion took place on certain of its points, but no material alteration was agreed upon.

The Council then adjourned to Monday next at 10 a.m.

Monday, September 5th, 1859.

The Council met this morning pursuant to adjournment, the Governor being present and the following Members:—

Mr. Finlayson,

Mr. Work,

Mr. Fraser.

“Representation Bill.”

Chief Justice Cameron, who on account of his being required to preside at the Supreme Court this morning was unable to remain at this meeting, was present at its commencement, and signified his general concurrence with the “Bill to amend the Representation of Vancouver’s Island,” which was read a first time at the last meeting.

This Bill was again under the consideration of the Council and read a second time.

“Marriages Bill.”

The “Bill for the Passage of an Act respecting Marriages in the Colony of Vancouver’s Island and its Dependencies” as amended by the House of Assembly was under the consideration of the Council, and with the following words, rejected by the House of Assembly, namely: “Parties may give what additional remuneration they think fit,” expunged, was duly passed.

“Property of Religious Institutions.”

The “Bill for the Passage of an Act respecting the Property of Religious Institutions in the Colony of Vancouver’s Island and its Dependencies” was read, and with the following addition, made by the House of Assembly, namely: “Nothing in this Bill shall empower any trustees of any religious body to construct or occupy land for burial purposes within towns or cities in Vancouver’s Island or its Dependencies,” was duly passed.

The Council then adjourned to to-morrow morning at 10 o’clock.

Tuesday, September 6th, 1859.

The Council met this morning pursuant to adjournment, the Governor being present and the following Members:—

Mr. Finlayson,

Mr. Work,

Mr. Fraser.

“Representation Bill.”

The “Bill to amend the Law relating to the Representation” was read and duly passed.

“Admission of Barristers.”

The “Bill for Admission of Barristers” was again under consideration, and received certain verbal amendments.

The Council then adjourned till further notice.

Monday, September 12th, 1859.

The Council met this morning pursuant to notice, the Governor being present and the following Members:—

Mr. Finlayson,  
Mr. Work,  
Mr. Fraser,  
Chief Justice Cameron.

The Governor laid before the Council the following Bills:—

1. "A Bill to make Provision for the Registration of Voters";
  2. "A Bill to increase the Number of Representatives of the People of this Colony in the House of Assembly,"
- which were read a first time.

Adjourned to Tuesday, September 13th, at 10½ a.m.

"Registration  
of Voters  
Bill."

"Representa-  
tives Bill."

Tuesday, September 13th, 1859.

The Council met this morning pursuant to adjournment, the Governor being present and the following Members:—

Mr. Finlayson,  
Mr. Work,  
Mr. Fraser,  
Chief Justice Cameron.

The "Bill to make Provision for the Registration of Voters" and the "Bill to increase the Number of Representatives" were again under the consideration of the Council and passed.

The Council then adjourned till further notice.

"Registration  
of Voters."  
"Representa-  
tives Bill."

Saturday, October 22nd, 1859.

The Council met this morning pursuant to notice.

Present:

His Excellency the Governor,  
Honble. John Work,  
„ Donald Fraser.

The Governor brought before the Council a communication from the House of Assembly, forwarding a petition from certain inhabitants of Vancouver's Island to the House praying for an alteration in the present land system, and also an address from the House to the Secretary for the Colonies on the same subject.

On consideration, the Council is of opinion that a reduction of the price of the public land to actual settlers is a very necessary measure; but that if such reduction be made, means should be adopted to prevent the land becoming the subject of specula-

Petition from  
settlers pray-  
ing for altera-  
tion of land  
system.

tion to the prejudice of persons desiring to settle in the country, and to improve the soil; such as a certain amount of cultivation being effected within a given period, &c., &c.

The Council then adjourned until Monday next, the 24th instant, at 10 o'clock a.m.

Monday, October 24th, 1859.

The Council met this morning at 10 o'clock pursuant to adjournment.

Present:

His Excellency the Governor,  
Honble. John Work,  
„ David Cameron,  
„ Donald Fraser.

“Registration  
of Voters  
Bill” and  
“Representa-  
tion Bill.”

The following two Bills sent up from the House of Assembly, vizt.: “A Bill to make Provision for the Registration of Voters, and for other Purposes relating thereto,” and “A Bill to increase the Number of Representatives of the People of this Colony in the House of Assembly,” were both approved, finally passed by the Council, and assented to by His Excellency the Governor.

“Representa-  
tion Bill.”

The “Bill to amend the Law relating to the Representation of Vancouver's Island and its Dependencies,” also sent up from the House of Assembly, was brought under the notice of the Council by His Excellency, and after discussion was approved with the amendments of the House, except as respects the qualification of occupiers, reduced by the House from £20 to £12, and the freeholders qualification, also reduced by the House from £100 to £20, both of which the Governor and Council are unanimously of opinion should be left at the higher rates.

Qualification  
of occupiers  
and freeholders.

The Bill ordered to be returned to the House for reconsideration on these two points.

“Wooden  
Bridges.”

“A Bill for the Protection of the Wooden Bridges in Vancouver's Island and its Dependencies.”

Sent up from the House, read a first time.

“Interest  
Bill.”

“A Bill for the Passage of an Act to regulate the interest of Money in the Colony of Vancouver's Island and its Dependencies.”

Sent up from the House, read a first time.

The last Bill, above mentioned, amended, and read a second time.

The Council then adjourned until Wednesday, the 26th instant, at 10½ o'clock a.m.

Wednesday, October 26th, 1859.

The Council met this morning at 10½ o'clock pursuant to adjournment.

Present :

His Excellency the Governor,  
Honble. John Work,  
.. David Cameron,  
.. Donald Fraser.

The "Bill for the Protection of the Wooden Bridges in Vancouver's Island and its Dependencies" read a second time and amended, and after amendment read a third time and passed.

The "Bill relating to Interest of Money," as amended, read a third time and passed.

The Council then adjourned *sine die*.

" Wooden  
Bridges Bill."

" Interest  
Bill."

Thursday, November 3rd, 1859.

The Council met this morning at 11 o'clock pursuant to a notice issued on the 31st ultimo, for the special purpose of meeting the House of Assembly in Conference on the amendments of the House on the "Representation Bill" as respects the qualification of occupiers, reduced by the House from £20 to £12, and that of freeholders, reduced from £100 to £20.

Present :

His Excellency the Governor,  
Honble. John Work,  
.. Donald Fraser,  
.. Chief Justice Cameron,

and the following Members of the House of Assembly: Mr. Speaker Helmcken, Messrs. J. W. McKay, J. D. Pemberton, T. J. Skinner, and J. Yates.

His Excellency, after introducing the business of the Conference, and remarking that, although in view of the various limitations of the franchise secured by other provisions of the Bill, he personally saw little danger likely to accrue from the proposed reductions, others were not of the same opinion; concluded by saying that whatever they should mutually agree upon in this Conference he would assent to. His Excellency then retired.

After a lengthened discussion, in which the Members of both Houses agreed on the expediency of altering the phraseology of that part of the Bill which related to the qualification arising from a "beneficial" interest in a freehold estate, in order to avoid the danger of several votes accruing from the same property,

Conference  
with Assembly  
on " Re-  
presentation Bill."

His Excel-  
lency's views.

Conference on  
"Representa-  
tion Bill."  
Compromise  
suggested.

Council's  
assent, on  
"grounds of  
expediency."

The Speaker informed the Council that the Members of the House of Assembly were willing to agree to the following compromise, namely, that the qualification of voters in respect of rental should be £12, and in respect of freehold property £50.

The Council, although opposed to the proposed reductions, both on principle, and also on the consideration that the qualifications in question were those chosen by the House itself, yet seeing that the House was prepared rather to sacrifice the Bill than consent to any further modifications, and being at the same time of opinion that a further delay would create a serious impediment to the public business, gave their assent to the proposition of the House, simply on the grounds of expediency.

The Council then adjourned to 3 o'clock p.m. to receive the Bill from the House, with the said amendments introduced.

At 3 o'clock p.m. the Council resumed its sitting.

Present:

His Excellency the Governor,  
Hon. J. Work, and  
Hon. D. Fraser.

The amended Bill as agreed upon by the Council and passed by the Assembly received His Excellency's assent, and

The Council then adjourned till further notice.

**Wednesday, December 7th, 1859.**

Prorogation.

The Council met this morning pursuant to a notice issued yesterday, for the special purpose of attending on the occasion of His Excellency's proroguing the House of Assembly.

Present:

His Excellency the Governor,  
Honble. John Work,  
,, Rodk. Finlayson,  
,, Donald Fraser,

and the following Members of the House of Assembly: Mr. Speaker Helmcken, Messrs. J. D. Pemberton, James Yates, T. J. Skinner, and J. W. McKay.

His Excellency then proceeded to address the House.

His Excel-  
lency's Speech.

After adverting to their lengthened Session and the rapid progress of the Colony during the concluding period of it, and thanking them for their assistance in the conducting of the public business, he expressed a hope that the various constituencies would do their duty and return representatives who would carry out such measures as the circumstances of the Colony required; particularly as relating to the encouragement of agriculture, the development of fisheries, and other natural resources of the country; education, roads, &c.

Development  
of natural  
resources.

The Secretary to the Council then announced that by His Excellency's command the House of Assembly was prorogued until Thursday, the 2nd of February next.

The Members of the House of Assembly then withdrew.

The "Bill to remove the Remains of Deceased Persons from a Deserted Burial Ground, &c.," was read and discussed; but inasmuch as it did not provide for any period within which the bodies must be removed, it was rejected.

The Council was of opinion that the bodies might be removed simply by the authority of the Executive.

The Council then adjourned until further notice.

"Remains of  
Deceased  
Persons."

#### March 1st, 1860.

The Council met this morning pursuant to notice issued.

Present:

Honble. Rodk. Finlayson,  
 „ John Work,  
 „ Donald Fraser,  
 „ Chief Justice Cameron.

The Members attended His Excellency to the Court-house, and were present on the occasion of the opening of the First Session of the Second House of Assembly.

On the conclusion of His Excellency's Address, the Members withdrew and the Council broke up.

Opening of  
Second House  
of Assembly.

#### March 7th, 1860.

The Council met this day.

Present:

Honble. Rodk. Finlayson,  
 „ Donald Fraser,  
 „ Chief Justice Cameron.

The Council proceeded to consider the subject of an Address to the Governor in reference to His Excellency's Speech on the opening of the Session on March 1st, a copy of which was before the Council.

It was moved by Mr. Finlayson and seconded by Mr. Fraser, That the following Address be presented to His Excellency:—

*"To His Excellency James Douglas, Esqre., C.B., &c. &c. &c.  
 Governor of Vancouver's Island."*

"The humble Address of the Legislative Council of the Colony of Vancouver's Island.

Address in  
Reply to His  
Excellency's  
Speech.

Address in  
Reply to the  
Governor's  
Speech.

"MAY IT PLEASE YOUR EXCELLENCY,—The Legislative Council begs respectfully to acknowledge the receipt of Your Excellency's Speech on the opening of the present Session of the Legislature, and to tender you the thanks of the Council therefor.

"The Council avails itself of this opportunity of expressing its satisfaction at the general progress and improving condition of the Colony; and trusts that many of the measures referred to in Your Excellency's Speech will tend to advance its various interests.

"The Council begs to assure Your Excellency that it is prepared to give its earnest attention to the consideration of the measures recommended by Your Excellency; and that its deliberations will be directed solely with the view of promoting the public good."

Carried unanimously.

Presentation of  
Address.

It was then notified to the Governor that the Council were prepared to present the Address.

On His Excellency's arrival in the Council Chamber, the Honble. Rodk. Finlayson read the Address.

Governor's  
Reply.

The Governor replied that he had great satisfaction in receiving the Address of the Council, and that he should have much pride and pleasure in conveying to Her Majesty the information that Her faithful Council in Vancouver's Island were prepared to co-operate in measures affecting the public good.

The Council then adjourned.

#### Monday, March 26th, 1860.

The Council met this day at 3 o'clock p.m. pursuant to notice issued.

Present:

His Excellency the Governor,

The Honble. Rodk. Finlayson,

„ John Work,

„ Chief Justice Cameron,

„ Donald Fraser.

Price of public  
land.

The Governor brought under the notice of the Council the question of the price of public land in the Colony.

The Council are unanimously of opinion that a low price, say 4/- an acre, combined with occupation and improvement, would conduce to the general settlement of the country.

Speculation  
in land dis-  
countenanced.

But the Council recommends that if the price is reduced, such conditions shall be imposed as will prevent large quantities of land being bought for speculative purposes, to the prejudice of persons of limited means wishing to obtain land at a low price to cultivate it.

A plan of pre-empting land, the Council is of opinion, would also enhance the benefits of a low price of land, as it would enable a farmer to take immediate possession without having to wait for surveys; but the land must be so selected as not to leave out rocks, swamps, &c., &c.

The quantity to be pre-empted by each pre-emptor, the Council thinks, should be 160 acres.

Although advocating a low price, the Council would object to tying up *all* the waste land of the Crown under a pre-emption system. They would wish that such a system would be established as would enable a capitalist to procure extensive quantities of land when required for laudable objects. Cases of this sort might be charged *more* than 4/- an acre, and conditions might be attached to them to prevent abuse. Power should be given to somebody to regulate such cases.

The subject of the Fees of the Courts of Law was discussed, and adjourned till next meeting of the Council.

Pre-emption  
system  
suggested.

Low price  
for land  
advocated.  
Capitalists  
to obtain land  
for "laudable  
objects."

Court Fees.

#### Saturday, April 7th, 1860.

The Council met this day pursuant to notice issued.

Present:

His Excellency the Governor,  
Honble. Rodk. Finlayson,  
.. John Work,  
.. Donald Fraser,  
.. Chief Justice Cameron.

His Excellency proceeded to lay before the Council:—

1st. An Address of the House of Assembly dated 2nd April, 1860, asking him to order the lines of road in the several districts therein mentioned to be definitely laid down.

2nd. A correspondence which has passed between Captain Stamp and His Excellency on the subject of a contemplated settlement on the Western Coast of Vancouver's Island.

1. The Council unanimously approve of the measure proposed by the House in reference to the laying down the lines of road, and beg to recommend His Excellency to call upon the land-owners of the respective districts to meet and elect a Committee of three of their number for the purpose of carrying out the objects of the address, and of reporting upon the same to His Excellency.

2. The Council having carefully read the correspondence with Captain Stamp, and having seriously considered the subject to which it relates, unanimously approve of His Excellency's action thereon; the Council being of opinion that the carrying out the

District  
roads.

Captain  
Stamp's  
settlement on  
West Coast.

Roads.

Committee  
appointed.

Captain  
Stamp's  
enterprise  
approved.

Court Fees.

proposed enterprise will be of the highest benefit to the Colony, and is deserving of every encouragement.

The discussion on the subject of the Fees of the Courts of Law was resumed and deferred for the revision of certain items in the submitted Schedules.

Powers of Council.

The question as to whether the Council had authority to exercise Executive as well as Legislative functions was discussed and deferred to the next meeting.

The Council then adjourned to Tuesday next at half-past 10 o'clock a.m.

### Tuesday, April 10th, 1860.

The Council met this morning pursuant to adjournment, His Excellency the Governor being present and the following Members:—

The Honble. Roderick Finlayson,  
 „ Donald Fraser,  
 „ John Work,  
 „ Chief Justice Cameron.

Rules and Fees of Court.

The Council having again considered the Rules of Court, and the Fees of Court, &c., &c., as set forth in the Schedules annexed thereto, do approve of the same.

The Council adjourned until further notice.

MEMORANDUM.—The Minutes of Council from July 5th, 1859, to April 10th, 1860, inclusive, copied, and transmitted to the Secretary of State by the mail of 20th April, 1860.

### Tuesday, May 1st, 1860.<sup>11</sup>

The Council met this morning pursuant to notice issued, His Excellency the Governor being present and the following Members:—

The Honble. Rodk. Finlayson,  
 „ John Work,  
 „ Donald Fraser,  
 „ C. J. Cameron.

" Stove-pipes Bill."

The Governor laid before the Council "A Bill to prevent the Use of Stove-pipes, and render Compulsory the Building of Brick and Stone Chimneys within certain Limits of the Town of Victoria," which had passed the House of Assembly.

The Bill was read a first time, and ordered to be read a second time at the next meeting of Council.

The Council then adjourned until further notice.

Wednesday, June 20th, 1860.

The Council met this morning pursuant to notice issued.

Present :

His Excellency the Governor,  
Honble. John Work,  
.. Donald Fraser,  
.. Chief Justice Cameron.

This being the Anniversary of Her Majesty's Accession, the Council did not proceed to business, and adjourned to to-morrow at 11 o'clock a.m.

Anniversary  
of H.M.'s  
Accession.

Thursday, June 21st, 1860.

The Council met this morning pursuant to adjournment.

Present :

His Excellency the Governor,  
Honble. John Work,  
.. Donald Fraser.

The Honble. Chief Justice Cameron being detained by business in the Supreme Court, there was no quorum present, and the Council adjourned until Friday, the 22nd instant.

Friday, June 22nd, 1860.

The Council met this morning pursuant to adjournment.

Present :

His Excellency the Governor,  
Honble. John Work,  
.. Donald Fraser,  
.. Chief Justice Cameron.

Subjects under discussion :—

1. "A Bill to provide for the Administration of Oaths in the House of Assembly, and the Production of Evidence before Committees of the Same" was read a first time.

"Administration  
of Oaths  
Bill."

2. The "Bill to prevent the Use of Stove-pipes and render Compulsory the Building of Brick and Stone Chimneys within certain Limits of the Town of Victoria."

"Stove-pipe  
Bill."

It was moved and seconded, That this Bill be read a second time, and considered with the Bill to incorporate Victoria.

3. An Address of the House of Assembly dated 18th June, 1860, to His Excellency the Governor, in the terms following:—

"No. 9.—This House respectfully requests His Excellency the Governor to permit the official proceedings of the Council (or Upper House) of this Colony to be conducted with the same

House desires  
public sittings  
of Council.

Public sittings  
of Council.

publicity as attends the sittings of the Legislative Assembly of this Colony," having been submitted to the Council by His Excellency the Governor for consideration,

Council rejects  
proposal.

The Council, after considering the same, is of opinion that the said Address, from its terms, does not apply to this Council; as, this Council (or "Upper House," as the Honourable the House of Assembly designates the Council) being an independent Legislative body, it has, as such, no "official proceedings" which His Excellency the Governor can "permit to be conducted with publicity."

It is ordered that the Clerk do furnish His Excellency with a copy of this resolution.

The Council then adjourned to Monday, the 25th instant, at 2 o'clock p.m.

Monday, June 25th, 1860.

The Council met this day pursuant to adjournment.

Present:

His Excellency the Governor,

Honble. John Work,

„ Donald Fraser.

The Council adjourned till to-morrow in consequence of the detention of Chief Justice Cameron to a late hour in his Court.

Tuesday, the 26th, to Friday, 29th June, 1860.

Present:

His Excellency the Governor,

Honble. John Work.

„ Donald Fraser.

„ Chief Justice Cameron.

The Council engaged in Committee on the Bill undermentioned.

"Administra-  
tion of Oaths  
Bill."

The Council having resolved itself into a Committee of the Whole to consider the "Bill to provide for the Administration of Oaths in the House of Assembly, and the Production of Evidence before Committees of the same,"

It was moved, seconded, and carried unanimously, That the "Title" of the Bill do stand.

Amendments.

It was moved, seconded, and carried unanimously, That the first eighteen words of the Preamble do stand, and that after the word "oaths" the words "or affirmations" be added; that the two words following, vizt., "to Members," do stand; that the remaining words of the Preamble be omitted, and the following inserted: "of the House of Assembly of Her Majesty's Colony of Vancouver Island, and to witnesses before Election Committees

of the same: And whereas doubts exist as to the power of the Clerk of the said House to administer such oaths and affirmations and as to the power of the Chairmen of Election Committees of the said House to administer such oaths or affirmations as may be necessary for the efficient discharge of the duties of such Committees." That the word "Therefore" be inserted at the beginning of the enacting clause.

Administra-  
tion of oaths  
by House of  
Assembly and  
Committees  
of same.

It was moved, seconded, and carried unanimously, That the whole of clause first of the Bill be omitted, and the following words inserted, vizt.:—

"I. That from and after the passage of this Act, the Honourable the Speaker, the Clerk, and the Sergeant-at-Arms of the said House of Assembly shall have and may exercise the same powers in administering oaths or affirmations and all other powers as are by law conferred upon, possessed, and exercised by similar officers of the House of Commons of the Imperial Parliament of the United Kingdom of Great Britain and Ireland."

Speaker, Clerk,  
and Sergeant-  
at-Arms may  
administer  
oaths.

It was moved, seconded, and carried, That clause second of the Bill be omitted, and the following inserted, vizt.:—

"II. That the Chairmen and Members of Election Committees shall have and may exercise, and they are hereby empowered to exercise, the same powers and to administer such or similar oaths or affirmations as are required and allowed by law to Chairmen and Members appointed by the said House of Commons to enquire into Controverted Elections."

Chairmen and  
Members of  
Election Com-  
mittees may  
swear.

It was moved, seconded, and carried, That clause third of the Bill be omitted, and the following inserted, vizt.:—

"III. That the Chairmen of Select Committees of the said House of Assembly shall also have and may exercise, as such Chairmen, the same and as full powers as are given to Chairmen of Select Committees of the said House of Commons."

Also Chairmen  
of Select  
Committees.

It was moved, seconded, and carried, That the whole remaining portions of the Bill, including the Schedules thereto annexed, be omitted, and the following inserted, vizt.:—

"IV. And that the form of the oaths and affirmations, warrants, summonses, orders, and other forms necessary for the due execution of this Act shall be similar in the like cases, and have the same force and effect, as those used in the said House of Commons, or as nearly as circumstances will permit."

Oaths, etc.,  
shall be simi-  
lar to those  
used in House  
of Commons.

Read a third time and passed, this 29th day of June, A.D. 1860.

The Council adjourned *sine die*.

**Tuesday, July 3rd, 1860.**

The Council met this morning pursuant to notice issued.

Present :

His Excellency the Governor,

Honble. Rodk. Finlayson,

„ John Work,

„ Donald Fraser,

„ Chief Justice Cameron.

The following Bills were laid before the Council by His Excellency the Governor and read a first time:—

“ Currency  
Bill.”

1. “The Currency Bill.”

“ Fire Com-  
panies Bill.”

2. “A Bill for the Protection of the Members of Fire Companies of Victoria.”

“ Joint Stock  
Companies  
Bill.”

3. “A Bill to extend the Provisions of the Joint Stock Companies Acts, 1856, 1857, and 1858, to Vancouver Island and its Dependencies.”

The Council adjourned to Tuesday, the 10th instant, at 3 o'clock p.m.

**Tuesday, July 10th, 1860.**

The Council met this day pursuant to adjournment.

Present :

Honble. Roderick Finlayson,

„ John Work,

„ Donald Fraser,

„ Chief Justice Cameron.

“ Currency  
Bill ” thrown  
out.

The “Currency Bill” was brought up for a second reading.

On reading the order, it was moved, seconded, and carried unanimously, That this Bill be read a second time this day six months.

“ Fire Com-  
panies Bill.”

The “Bill for the Protection of the Members of Fire Companies of Victoria” was read a second time and ordered to be considered in Committee on Thursday next, the 12th instant.

“ Joint Stock  
Companies  
Bill.”

The “Bill to extend the provisions of the Joint Stock Companies Acts, 1856, 1857, and 1858, to Vancouver Island and its Dependencies” was read a second time, and ordered to be considered in Committee, clause by clause, on Thursday next, the 12th instant.

“ Improvement  
of Live Stock  
Bill.”

“A Bill to promote Improvement in the Breed of Live Stock in the Colony of Vancouver's Island” was read a first time.

“ Currency  
Bill.”

The Honble. Chief Justice asked leave to bring in a “Bill to provide for the Deficiency of Lawful Money in the Currency of the Colony.”

Granted, and ordered to be brought in accordingly.

In connexion with the "Fire Companies Bill," it was agreed that the President of the Council should request the favor of the attendance of the Foremen of the two Fire Companies and of the Hook and Ladder Company at the Council Chamber on Thursday next at 12 o'clock.

"Fire Companies Bill."

The Council then adjourned to Thursday next, the 12th instant, at 12 o'clock.

In conformity with the Resolution in the last paragraph of the Minutes, the following circular was addressed to each of the undermentioned gentlemen, vizt.:—

Conference with Foreman of Fire Companies.

Wm. Pickett, Esquire, Foreman of the "Union Hook & Ladder Company."

James E. Wolfe, Esquire, President of the "Deluge Engine Company."

Thomas H. McCann, Esquire, President of the "Tiger Engine Company."

(Copy.)

COUNCIL CHAMBER,  
VICTORIA, VANCOUVER'S ISLAND,  
10th July, 1860.

SIR,—I am directed by the President of the Legislative Council of Vancouver's Island to request the favor of your attendance at the Council Chamber, Jame's Bay, on Thursday next at 12 o'clock, to furnish such information as you may be possessed of to the Council in considering the "Bill for the Protection of the Members of the Fire Companies of Victoria" now before the Council.

You will please to bring with you the Bye-laws or the Rules and Regulations of your Company, if there are any such in existence.

I have the honor to be,

Sir,

Your most obedient Servant,

(Signed) JOSEPH PORTER.

Thursday, July 12th, 1860.

The Council met this day pursuant to adjournment.

Present:

Honble. John Work,

„ Donald Fraser,

„ Chief Justice Cameron.

The Minutes of last meeting having been read,

The Council resolved itself into a Committee to consider the "Bill for the Protection of the Members of the Fire Companies of Victoria," and examined two witnesses at length.

"Fire Companies Bill."

The Council then adjourned to Tuesday, the 17th instant, at 1 o'clock p.m.

**Tuesday, July 17th, 1860.**

The Council met this day pursuant to adjournment.

Present:

Honble. Rodk. Finlayson,  
 „ John Work,  
 „ Donald Fraser,  
 „ Chief Justice Cameron.

The Minutes of last meeting having been read,

Evidence was taken on the subject of the “Bill for the Protection of the Members of the Fire Companies of Victoria.”

“A Bill to declare certain Foreign Coins a lawful tender” (introduced by Chief Justice Cameron) was read a first time.

The Council adjourned to Friday, the 20th instant, at 3 o'clock p.m.

**Friday, July 20th, 1860.**

The Council met this day pursuant to adjournment.

Present:

Honble. Rodk. Finlayson,  
 „ John Work,  
 „ Chief Justice Cameron.

The Minutes of last meeting were read and approved.

On the order of the day for the third reading of the “Bill for the Protection of the Members of Fire Companies of Victoria.” it was moved by Chief Justice Cameron, That the IX. section may be amended by inserting the words “shall continue and be in force for one year from the passing thereof, and “after the word “Act” in the first line.

Seconded by Hon. Rodk. Finlayson, and carried unanimously. The Bill was then read a third time and passed.

“An Act to declare certain Foreign Coins a Lawful Tender” was read a second time, and ordered to be considered in Committee.

The Council adjourned to Tuesday next, the 24th instant, at 3 o'clock p.m.

**Tuesday, July 24th, 1860.**

The Council adjourned, by reason of there not being a quorum present, to Friday, the 27th instant.

“Fire Companies Bill.”

“Foreign Coins Bill.”

“Fire Companies Bill.”

“Foreign Coins Act.”

Friday, July 27th, 1860.

The Council met this day pursuant to adjournment.

Present:

Honble. Roderick Finlayson,  
 „ John Work,  
 „ Donald Fraser,  
 „ Chief Justice Cameron.

The Minutes of the last meeting having been read and approved.

The consideration of the "Bill to extend the Provisions of the Joint Stock Companies Acts, 1856, 1857, and 1858, to Vancouver Island and its Dependencies" was resumed in Committee, and the following amendments unanimously agreed to:—

Section 2nd was struck out, and the other numbers altered accordingly.

To section 3rd the following words were added, at line 1, after the words "by the": "*42nd section of the Joint Stock Companies Act, 1856.*"

To section 6th the following words were added:—

"Provided that all powers or functions assigned to any Judge or Court of Justice in England by any of the said Acts shall be exercised by the said Supreme Court; and if in any of the said Acts different modes of procedure are required to be pursued in England or in any other part of the United Kingdom, the procedures required in England shall, subject to the last preceding provision, be pursued in Vancouver's Island and its Dependencies."

The following was inserted as Section 11th of the Act, namely:—

"11th. The enactment as to the payment of money, which by section 83 of the said Joint Stock Companies Act, 1856, is required to be made to the Bank of England, shall at the discretion of the said Court in lieu thereof be paid into an Incorporated or Chartered Bank carrying on business in the Colony of Vancouver's Island."

The Bill was then ordered to be engrossed.

"An Act to declare certain Foreign Coins a Lawful Tender" was considered in Committee, amended, brought up as amended, ordered to be engrossed, and to be read a third time at the next meeting of Council.

The Council adjourned to Tuesday next, the 31st instant, at 3 o'clock p.m.

"Stock Companies Bill."

Subsequently amended.  
 See Minutes of 31st July.

Subsequently amended.  
 See Minutes of 31st July.

"Foreign Coins Bill."

**Tuesday, July 31st, 1860.**

The Council met this day pursuant to adjournment.

Present:

Honble. Roderick Finlayson,  
 „ Donald Fraser,  
 „ Chief Justice Cameron.

“ V.I. Joint  
 Stock Com-  
 panies Bill.”

The Minutes of last meeting having been read and approved,  
 The consideration of the “ Bill to extend the Provisions of the  
 Joint Stock Companies Acts, 1856, 1857, and 1858, to Vancouver  
 Island and its Dependencies ” was resumed, and the following  
 amendments unanimously agreed to:—

Section III. amended to read as follows:—

“ The 42nd section of the said Act 1856 shall be amended by  
 omitting the words ‘ the United Kingdom,’ and inserting in lieu  
 thereof the words ‘ Vancouver Island and its Dependencies.’ ”

Section XI. amended to read as follows:—

“ All monies received as mentioned in section 83 of the said  
 Joint Stock Companies Act, 1856, shall, in lieu of the Banks  
 therein mentioned, be paid into any Incorporated or Chartered  
 Bank carrying on business in the Colony of Vancouver Island.”

“ Foreign  
 Coins Bill.”

The Bill as amended was read a third time and passed.

The “ Bill to declare certain Foreign Coins a Lawful Tender ”  
 was read a third time and passed.

The Council then adjourned to Tuesday, the 7th August, at  
 3 o'clock p.m.

**Tuesday, August 7th, 1860.**

The Council adjourned, by reason of there being no business  
 before it, until Tuesday, the 14th instant, at 3 o'clock p.m.

**Tuesday, August 14th, 1860.**

The Council met this day pursuant to adjournment.

Present:

Honble. Roderick Finlayson,  
 „ John Work,  
 „ Donald Fraser,  
 „ Chief Justice Cameron.

The Minutes of the last meeting were read and approved.

The following Acts. received from the House of Assembly,  
 vizt.:—

Supply, £9,364.

1st. “ An Act to apply the Sum of £9,364 out of the General  
 Revenue, &c., &c.”;

Salaries.

2. “ An Act for the payment of certain Salaries.”

3. "An Act to apply the Sum of £3,207/14/1 out of the General Revenue, &c. &c.";

Supply,  
£3,207/14/1.

4. "A Bill for rendering the Administration of Justice in Minor Criminal Cases more speedy and certain," were read a first time, and ordered to be brought up for second reading on Thursday, the 23rd instant.

"Minor  
Criminal  
Cases."

The Council adjourned to Thursday, the 23rd instant, at 3 o'clock p.m.

Thursday, August 23rd, 1860.

There being no quorum, the Council adjourned to Tuesday, the 28th instant, at 3 o'clock p.m.

Monday, August 27th, 1860.

The Council met this day at 3 o'clock p.m. pursuant to notice issued.

Present: His Excellency the Governor and the following Members:—

Honble. R. Finlayson,  
,, John Work,  
,, Donald Fraser,  
,, Chief Justice Cameron.

The following Bills were taken up for second reading:—

1. "An Act for the Payment of certain Salaries."

"Salaries  
Bill."

2. "An Act to apply the Sum of £3,207/14/1 out of the General Revenue, &c."

Supply,  
£3,207/14/1.

3. "An Act to apply the Sum of £9,364 out of the General Revenue, &c."

Supply,  
£9,364.

The following Bills, sent up from the House of Assembly, were read a first time:—

1. "An Act to improve the Streets in the Town of Victoria."

"Streets of  
Victoria."

2. "An Act to make Provision for the Pilotage of the Harbours of Victoria and Esquimalt."

"Pilotage  
Bill."

The Council then adjourned to to-morrow, Tuesday, the 28th instant, at 1 o'clock p.m.

Previous to the adjournment, His Excellency the Governor informed the Council of his intention to proceed to British Columbia to-morrow, where he would be absent for some weeks; further, that the Admiral had been notified to the same effect; and that the Senior Member of Council would act for the Governor in his absence.

Tuesday, August 28th, 1860.

The Council met this day pursuant to adjournment.

Present:

Honble. Roderick Finlayson,

„ John Work,

„ Donald Fraser,

„ Chief Justice Cameron.

The following Bills were read a third time and passed:—

1. “An Act for the Payment of certain Salaries.”

2. “An Act to apply the Sum of £3,207/14/1 out of the General Revenue, &c.”

3. “An Act to apply the Sum of £9,364 out of the General Revenue, &c.”

“An Act to improve the Streets in the Town of Victoria” was read a second time.

It was moved, seconded, and carried, That the Rules be suspended, to permit the “Act to improve the Streets in the Town of Victoria” to be read a third time, on account of the urgency of the measure.

“An Act to improve the Streets in the Town of Victoria” was read a third time and passed.

The Council adjourned until further notice.

Thursday, August 30th, 1860.

The Council met this day pursuant to the request of the Honble. Chief Justice Cameron.

Present:

Honble. Roderick Finlayson,

„ John Work,

„ Chief Justice Cameron.

The Honourable the Chief Justice stated that he had received from, and was authorized by His Excellency the Governor to hand a letter, of which the following is a copy, to the Honourable Roderick Finlayson, the Senior Member:—

GOVERNMENT HOUSE,

August 28th, 1860.

SIR,—As it is probable that many Bills of great importance and urgency may be brought before the Council during my absence from Vancouver Island, I hereby empower and authorize you to give my assent to the same:

Provided always, that you be satisfied that any delay in their coming into operation would be prejudicial to the interest of the

“Salaries  
Bill.”

Supply,  
£3,207/14/1.

Supply,  
£9,364.

“Streets of  
Victoria.”

Rules  
suspended.

“Streets of  
Victoria.”

Communica-  
tion from  
Governor.

Colony; and provided they contain nothing that is repugnant to the laws of England, and contrary to my instruction from Her Majesty the Queen.

I have the honor to be,

Sir,

Your obedient Servant,

(Signed) JAMES DOUGLAS,

Governor.

To the Honble. Roderick Finlayson,

Senior Member of the Council.

The Council then adjourned to Friday, the 31st instant, at 1 o'clock p.m.

Friday, August 31st, 1860.

The Council met this day at 1 o'clock p.m. pursuant to adjournment.

Present:

Honble. Roderick Finlayson,

.. John Work,

.. Donald Fraser,

.. Chief Justice Cameron.

The Minutes of last meeting having been read.

Mr. Finlayson, the Senior Member of Council, informed the Council that His Excellency the Governor having left the Colony for a short period, as appears by his letter in the Minutes of yesterday, he, Mr. Finlayson, has undertaken to perform the duties and functions of Governor, in virtue of said letter, and of the 40th Section of Her Majesty's Instructions to the Governor.

Hon. R.  
Finlayson  
as Acting-  
Governor.

The Council then adjourned till further notice.

Wednesday, September 12th, 1860.

The Council met this day pursuant to notice issued.

Present:

Honble. Roderick Finlayson, Senior Member,

.. John Work,

.. Donald Fraser,

.. Chief Justice Cameron.

The Minutes of the last meeting having been read,

The following Bills, sent up from the House of Assembly, were brought before the Council:—

"Liquor  
Licence Bill."

"Road Bill."

"Real Estate  
Tax Bill."

1. "A Bill to authorize and regulate the Sale of Fermented and Spirituous Liquors." Read a first time.

2. "A Bill to provide for the Repair, Improvement, and Regulation of Roads in Vancouver Island and its Dependencies." Read a first time.

3. "An Act to levy an Annual Tax of £1 per Centum on the Value of all Real Estate in the Colony of Vancouver Island and its Dependencies." Read a first time, and ordered to be printed.

The Council then adjourned to Tuesday next, the 18th instant.

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**Tuesday, September 18th, 1860.**

The Council met this day pursuant to adjournment.

Present:

Honble. Roderick Finlayson, Senior Member,

„ John Work,

„ Donald Fraser,

„ Chief Justice Cameron.

The Minutes of last meeting having been read,

The following Bills, vizt.:—

"Road Bill."

1. The "Road Act, 1860," and

"Liquor  
License Bill."

2. The "Bill to authorize and regulate the Sale of Fermented and Spirituous Liquors,"

were read a second time, and ordered to be considered in Committee at the next meeting of Council.

The Council then adjourned to Wednesday, the 26th instant.

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**Wednesday, September 26th, 1860.**

There being no quorum present, the Council adjourned to Tuesday, October 2nd, 1860.

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**Tuesday, October 2nd, 1860.**

There being no quorum present, the Council adjourned until further notice.

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**Wednesday, October 10th, 1860.**

The Council met this day pursuant to notice issued, His Excellency the Governor being present and the following Members:—

Honble. Rodk. Finlayson,

„ John Work.

„ Chief Justice Cameron.

The "Bill to authorise and regulate the Sale of Fermented and Spirituous Liquors" was considered in Committee, brought up, read a third time, and passed, with a rider to be added explaining that the "fermented liquors" mentioned in clause 3 of section 1 shall be construed to mean wines of any description.

The "Act to impose certain Duties in respect of certain Trades and Occupations" was read a first time.

"An Act for erecting and maintaining a Beacon Light at the Entrance of the Harbor of Victoria" was read a first time.

"A Bill to provide for the Repair, Improvement, and Regulation of Roads in Vancouver Island and its Dependencies" was ordered to be engrossed, and further considered in Committee.

The Council adjourned until to-morrow, Thursday, October 11th, at 1 o'clock p.m.

Thursday, October 11th, 1860.

The Council met this day at 1 o'clock p.m. pursuant to adjournment, His Excellency the Governor being present and the following Members:—

Honble. Rodk. Finlayson,  
 „ John Work,  
 „ Donald Fraser.

"An Act to impose certain Duties in respect of certain Trades and Occupations" was read a second time.

"An Act for erecting and maintaining a Beacon Light at the Entrance of the Harbor of Victoria" was read a second time.

The Council then adjourned until Friday, the 12th instant, at 1 o'clock p.m.

Friday, October 12th, 1860.

The Council met this day at 1 o'clock p.m. pursuant to adjournment.

Present:

Honble. Rodk. Finlayson,  
 „ John Work,  
 „ Donald Fraser,  
 „ Chief Justice Cameron.

The "Road Act, 1860," was considered in Committee.

The "Trade Licenses Act, 1860," was considered in Committee, brought up, read a third time, and passed, with a recommendation that the House of Assembly shall be pleased to add to the Preamble thereof the following words, vizt.:—

"Within the Colony of Vancouver Island and its Dependencies." And to the enacting clause, after the word "Assembly," shall add "of Vancouver Island and its Dependencies." And after

"Liquor License Bill."

"Trade Licenses Bill."

"Victoria Lighthouse Bill."

"Road Bill."

"Trade Licenses Bill."

"Victoria Lighthouse Bill."

"Road Bill."

"Trade Licenses Bill."

the word "following," in the fourth line of the first clause, add the words "in the said Colony and its Dependencies." And after the word "advance," in the ninth line of the same clause, shall add the words "to and."

The Council then adjourned until Wednesday, the 17th instant, at 1 o'clock p.m.

**Wednesday, October 17th, 1860.**

The Council met this day pursuant to adjournment.

Present:

Honble. Rodk. Finlayson,  
 „ John Work,  
 „ Donald Fraser,  
 „ Chief Justice Cameron.

The following Acts were received from the House of Assembly:—

"Indian  
Liquor Bill."

1. "An Act prohibiting the Sale or Gift of Intoxicating Liquors to the Indians."

"Foreign  
Coins Bill."

2. "An Act to declare certain Foreign Coins a Lawful Tender." Returned amended.

"Fermented  
and Spirituous  
Liquors Bill."

The "Bill to regulate the Sale of Fermented and Spirituous Liquors," passed, with a rider, in Council the 10th of October, was received from the House of Assembly with the following resolution:—

House declines  
to accept  
Council's  
amendment.

"That this House is of opinion that the amendment to the 'Act to authorize and regulate the Sale of Fermented and Spirituous Liquors,' sent down by the Honourable Council, virtually alters the scale of taxation in that Act fixed by this House; and this House is also of opinion that the acceptance of such an amendment would be a surrender of its most important privilege, and must therefore decline to consider the same."

The Council then adjourned until Friday, the 19th instant, at 1 o'clock p.m.

**Friday, October 19th, 1860.**

The Council met this day pursuant to adjournment.

Present:

Honble. John Work,  
 „ Donald Fraser,  
 „ Chief Justice Cameron.

The Minutes of last meeting having been read,

"Indian  
Liquor Bill."

The "Indian Liquor Act, 1860," sent up from the House of Assembly, was read a first time.

The "Act to declare certain Foreign Coins a Lawful Tender" was taken up and discussed.

The Council then adjourned to Thursday next, the 25th instant, at 1 o'clock p.m.

"Foreign  
Coins Bill."

#### Thursday, October 25th, 1860.

The Council met this day pursuant to adjournment.

Present:

Honble. Rodk. Finlayson,  
.. John Work,  
.. Donald Fraser.

The Minutes of last meeting having been read,

The following Bills were received from the House of Assembly, vizt.:—

1. "An Act to confirm certain Persons in the Fee-simple of the Real Estate which they now hold."

"Fee-simple."

2. "A Bill to declare the Limitation of certain Causes of Action and Suit."

"Action  
and Suit."

The "Indian Liquor Act, 1860," was read a second time.

"Indian  
Liquor Bill."

The "Act to confirm certain Persons in the Fee-simple of Real Estate" was read a first time.

"Fee-simple."

"A Bill to declare the Limitation of certain Causes of Action and Suit" was read a first time.

"Foreign  
Actions Bill."

The "Road Act, 1860," was considered in Committee.

"Road Act."

The Council then adjourned until Tuesday, the 30th instant, at 2 o'clock p.m.

#### Tuesday, October 30th, 1860.

The Council met this day pursuant to adjournment.

Present:

Honble. Rodk. Finlayson,  
.. John Work,  
.. Donald Fraser.

The Minutes of last meeting having been read,

The following Bills were received from the House of Assembly, vizt.:—

1. "A Bill to provide for the Yearly Registration of Voters, and other Purposes relating thereto."

"Registration  
of Voters."

2. "An Act to amend the Scale of Fees charged for the Entrance and Clearance of Vessels; Licenses to Scows, Boats, and other Craft, and Dues for Landing Permits; as well as other Matters relating to the Same in the Port of Victoria, including Esquimalt."

"Victoria  
Harbour Act."

|                                             |                                                                                                                                                                                        |
|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| "Loan Bill."                                | 3. "An Act to authorize the Raising of a Loan of £10,000 upon the Security of the Dues and Monies levied by virtue of the 'Victoria and Esquimalt Harbour Dues Act, 1860.'"            |
| "Imperfect Titles Bill."                    | The "Act to confirm certain Persons in the Fee-simple of Real Estate" was read a second time.                                                                                          |
| "Limitation of Foreign Actions Bill."       | "A Bill to declare the Limitation of certain Causes of Action and Suit" was read a second time.                                                                                        |
| "Indian Liquor Bill."                       | The "Indian Liquor Act, 1860," was read a third time and passed.                                                                                                                       |
| "Victoria and Esquimalt Harbour Bill."      | The "Victoria and Esquimalt Harbour Dues Act, 1860," was read a first time.                                                                                                            |
| "Victoria Harbour Loan Bill."               | The "Act to authorize the Raising of a Loan of £10,000 on Harbour Dues" was read a first time.                                                                                         |
| "Voters' Registration Bill."                | The "Bill to provide for the Yearly Registration of Voters" was read a first time.                                                                                                     |
|                                             | The Council then adjourned until Friday, the 2nd November, at 1 o'clock p.m.                                                                                                           |
|                                             | <hr/> <b>Friday, November 2nd, 1860.</b>                                                                                                                                               |
|                                             | The Council met this day pursuant to adjournment.                                                                                                                                      |
|                                             | Present:                                                                                                                                                                               |
|                                             | Hon. Roderick Finlayson,                                                                                                                                                               |
|                                             | ,, John Work,                                                                                                                                                                          |
|                                             | ,, Donald Fraser.                                                                                                                                                                      |
|                                             | The Minutes of last meeting having been read,                                                                                                                                          |
| "Voters' Registration Bill."                | The "Bill to provide for the Yearly Registration of Voters" was read a second time, and appointed to be considered in Committee at next meeting of Council.                            |
|                                             | The Council then adjourned to Tuesday, the 13th instant.                                                                                                                               |
|                                             | <hr/> <b>Tuesday, 13th November, 1860.</b>                                                                                                                                             |
|                                             | The Council met this day pursuant to adjournment.                                                                                                                                      |
|                                             | Present:                                                                                                                                                                               |
|                                             | Honble. Roderick Finlayson,                                                                                                                                                            |
|                                             | ,, John Work,                                                                                                                                                                          |
|                                             | ,, Donald Fraser.                                                                                                                                                                      |
|                                             | The Minutes of last meeting having been read,                                                                                                                                          |
| "Victoria Harbour and Bridge Removal Bill." | The "Act for the Improvement of the Harbor of Victoria, and the Removal of the Present Victoria Bridge," with the accompanying plan, &c., was received from the House of Assembly,     |
|                                             | The said Act was read a first time.                                                                                                                                                    |
| "Road Bill."                                | The "Road Act, 1860," was considered in Committee, clause by clause, and the Council resolved to return the same to the House of Assembly with a suggestion that, as the Act imposes a |

commutation in money for labour, it might be construed to come within the category of a Money Bill, the House shall be pleased to reconsider the same, and adopt the amendments of the Council thereon.

The Council then adjourned to Monday next, the 19th instant.

**Monday, November 19th, 1860.**

The Council met this day pursuant to adjournment.

Present:

Honble. Roderick Finlayson,

„ John Work,

„ Donald Fraser.

The Minutes of last meeting having been read.

The “Victoria and Esquimalt Harbour Dues Bill, 1860,” was read a second time, and the following amendments were proposed, seconded, and carried:—

In the enacting clause, at line 4, after the word “the” and before the word “consent,” insert the words “advice and.”

In clause V., at line 18, strike out the word “price,” and insert in lieu thereof the word “sum.”

In clause VI., at line 14, after the word “goods,” insert the words “so landed.”

The “Victoria Harbor Act, 1860,” was read a second time, and the following amendment was proposed, seconded, and carried:—

In the enacting clause, at line 4, after the word “Assembly,” insert the words “of Vancouver Island and its Dependencies.”

“An Act for rendering the Administration of Justice in Minor Criminal Cases more Speedy and Certain” was read a second time, and the following amendments were proposed, seconded, and carried:—

In the enacting clause, at line 4, before the word “consent” insert the words “advice and,” and at line 5, after the word “Assembly,” add the words “of Vancouver Island and its Dependencies.”

The following clause to be added to the Act:—

“Clause 9. This Act may be cited as ‘The Minor Offences Act, 1860.’”

The “Limitation of Foreign Actions Act, 1860,” was read a third time, and the following amendment was carried:—

In the enacting clause, at line 4, after the word “the,” insert the words “advice and”; and the Act as so amended passed.

The “Act to confirm certain Persons, in the Fee-simple of Real Estate” was read a third time, and the following amendments were proposed, seconded, and carried:—

“Harbour  
Dues Bill.”

“Victoria  
Harbor Bill.”

“Minor  
Offences Bill.”

“Foreign  
Actions Bill.”

“Imperfect  
Titles Bill.”

In the Preamble, at line 18, after the word "same," insert the words "in good faith."

In Clause I., at line 5, strike out the words and figures "1st January, 1860," and insert in lieu thereof the words "passage of this Act"; and

In Clause XI. (Short Title) strike out the words "fee simples," and insert in lieu thereof the word "titles"; and the Act as so amended passed.

"Registration  
of Voters Bill."

"An Act to amend the Registration of Voters, 1859," was introduced by Mr. Fraser, and read a first time.

On motion of Mr. Fraser, the order for going into Committee on the "Bill to provide for the Yearly Registration of Voters" was discharged.

"Pilotage  
Bill."

"An Act to make Provision for the Pilotage for the Harbours of Victoria and Esquimalt" was read a second time, and ordered to be considered in the Committee.

The Council then adjourned to Wednesday, the 21st instant, at 1 o'clock p.m.

### Wednesday, 21st November, 1860.

The Council met this day pursuant to adjournment.

Present:

Honble. Roderick Finlayson;

„ John Work,

„ Donald Fraser.

"Harbour  
Dues Bill."

The Minutes of last meeting having been read, The "Victoria and Esquimalt Harbour Dues Act, 1860," was read a third time and passed.

"Victoria  
Harbor Bill."

2d. The "Victoria Harbour Act, 1860," was taken up and considered, and the following amendments were proposed, seconded, and carried, vizt.:—

After the word "certificate" and before the word "in," on the 4th line of clause XII., to insert the words "signed by the Governor and sealed and countersigned by the Colonial Secretary of Vancouver Island"; to add Form A to the Schedule to the Bill appended; to strike out the letter E and to insert the letter B in the 23rd line of Clause XIII.

The Bill was then read a third time and passed.

"Minor  
Offences."

The "Minor Offences Act, 1860," was read a third time and passed.

"Registration  
of Voters."

The "Annual Registration of Voters Act, 1860," was read a second time.

"Real Estate  
Tax Bill."

The "Real Estate Tax Act, 1860," was read a second time, and the following amendments proposed, seconded, and carried, vizt.:—

In the last line of the Preamble to the Bill, after the words "Her Majesty," insert "Her heirs."

In the enacting clause, after the word "advice," insert "and consent."

In the 12th line of clause III., after the words "Her Majesty," insert "Her heirs."

In the second line of part 5, clause XVI., strike out the words "upon oath."

In the last line of clause XX., strike out the word "land" and insert the words "real estate."

The "Roads Act, 1860," was read a third time and passed.

The Council then adjourned until Friday, the 23rd instant, at 1 o'clock p.m.

"Real Estate  
Tax Bill."

"Roads Bill."

#### Friday, November 23rd, 1860.

The Council met this day pursuant to adjournment.

Present:

Honble. Rodk. Finlayson,

.. John Work,

.. Donald Fraser.

The Minutes of last meeting having been read,

The "Victoria Bridge Removal Act, 1860," was read a second time, and evidence taken as to the sufficiency of the proposed bridges, and as to the eligibility of the proposed line of new road. The Bill was then ordered to be considered in Committee at next meeting of Council.

"Victoria  
Bridge Removal  
Bill."

The "Real Estate Tax Act, 1860." was taken up, reconsidered, and the following amendments proposed, seconded, and carried, in addition to the amendments made at last meeting of Council, vizt.:—

"Real Estate  
Tax Bill."

To fill up the blank in line 3 of clause XXXII. by inserting the words "commit or allow." The Bill was thereafter, with the several amendments thereto, read a third time and passed.

The order to consider the "Voters' Registration Act, 1860," was discharged, and it was moved, seconded, and carried, that the Bill be read again this day six months.

"Voters'  
Registration  
Bill" rejected.

The "Annual Registration of Voters Act, 1860," was read a third time and passed.

"Annual  
Registration  
of Voters Bill."

The Council then adjourned until Monday, the 26th instant, at 1 o'clock p.m.

**Monday, November 26th, 1860.**

The Council met this day pursuant to adjournment.

Present:

Honble. Roderick Finlayson,

„ John Work,

„ Donald Fraser.

The Minutes of last meeting having been read,

The “Victoria Bridge Removal Act, 1860,” was taken up and considered in Committee, and evidence taken upon the plans and specifications, and the further consideration of the Bill postponed until the next meeting of Council.

The Council then adjourned to Thursday next, the 29th instant, at 1 o'clock p.m.

“Victoria  
Bridge Removal  
Bill.”

**Thursday, November 29th, 1860.**

The Council met this day pursuant to adjournment.

Present:

Honble. Roderick Finlayson,

„ John Work,

„ Donald Fraser.

The Minutes of last meeting having been read,

The “Victoria Bridge Removal Act, 1860,” was further considered in Committee, and additional evidence taken upon the subject of the plans and specifications.

The Bill was ordered to be further considered, and one of the plans ordered to be amended.

His Excellency the Governor laid before the Council a paper embracing a plan to promote the settlement of the Colony, by rendering more easy and liberal the mode of obtaining agricultural land in Vancouver Island and its Dependencies, to which His Excellency begged the earnest and serious consideration of the Council.

The Council received His Excellency's paper on the above subject, and it was ordered to be taken into consideration at next meeting.

Mr. Cameron filed the following protest, which was ordered to be entered on the Journals:—

“I dissent to the passage of the Bill entitled ‘A Bill to provide for the Repair, Improvement, Laying-out, and Regulation of Roads in Vancouver Island and its Dependencies’ as a law for this Colony, for the following reasons:—

“First: Because the laws already in existence, if enforced relative to the repairs of highways, are effectual and sufficient to meet the necessity for which this Bill has been introduced. With regard to these and all other laws. I may observe that it was

“Victoria  
Bridge Removal  
Bill.”

Governor's  
plan to promote  
settlement.

Hon. D.  
Cameron files  
protest against  
“Roads Bill.”

determined long ago and laid down as a rule by the Lords of the Privy Council, 'That if there be a new and uninhabited country found out by English subjects, as the law is the birthright of every subject, so wherever they go they carry their laws with them, and therefore such new found country is to be governed by the laws of England.'

"On this rule it is my duty to hold that the laws of England in existence at the reading of Governor Blanshard's Commission (on his arrival here) were by that very act established as the laws that were thenceforth to govern this Colony, and it therefore follows that the laws of England relating to highways are now in existence, and merely wait the action of the Executive to put them in operation.

"Second: Because this Bill revives the system of Statute Labour for the repairs of highways, which has been abolished in England since the year 1835 by the 5 & 6 Will. IV., ch. 50. It was there found from the evidence of persons of the greatest practical experience that there was not only a great waste of labour on the highways under this system to the great disadvantage of the public, but also that it was impossible to adopt the improvements which had been so successfully introduced on other roads in various parts of the Kingdom. This reason is equally cogent here against its revival, as from the greatly enhanced cost of labour the public interest will suffer more from its waste.

"Third: Because the mode in which this Bill directs the assessment of the tax of labour to be made is most grievously unequal; inasmuch as the six days' labour or the composition therefor of six shillings and three pence per day is to be assessed without reference to the value of property; so that, in fact, the poor man who rents a small house and lives only by his daily labour must contribute the same quantity of labour or money as his richer neighbour who is the possessor of land (it may be all in cultivation) to the extent of one hundred acres, with a substantial dwelling-house, outhouses, barns, and live stock thereon, altogether amounting to great value.

"Fourth: Because the Town of Victoria is excepted from the operation of the Bill. If it is not equitable for the town, it can scarcely be equitable for the country.

"Fifth: Because the provision for recovering unpaid compositions for the labour tax by selling the lands of defaulting parties who may be absent from the Colony, or who may not have sufficient goods and chattels to satisfy a distress, is totally unknown and repugnant to the laws of England. It will destroy the rights of third parties who may have an interest in the land by way of reversion or remainder, and effectually reduce its value as a security for money in the estimation of the capitalist.

Hon. D.  
Cameron's  
objection to  
"Roads Bill."

Laws of  
England  
in force.

Objection to  
Statute  
Labour.

Assessment  
of labour tax  
"grievously  
unequal."

Town of  
Victoria.

Mode of  
collecting  
unpaid labour  
tax repugnant.

Hon. D.  
Cameron's  
objection to  
" Roads Bill."

" Sixth: Because that this great change in the law for the recovery of taxes, affecting as it does all the laws relating to real property, is foreign to the Bill and tacked on without notice in the Title or Preamble, a practice which has been denounced by high authority as unparliamentary and tending to the destruction of the Constitution.

"(Signed) DAVID. CAMERON,

*Chief Justice."*

The Council then adjourned until Monday next, the 3rd December, at 1 o'clock p.m.

#### Monday, 3rd December, 1860.

The Council met this day pursuant to adjournment.

Present:

The Honble. Rodk. Finlayson,

" John Work,

" Donald Fraser.

The Minutes of last meeting having been read,

The following Bills were received from the House of Assembly:—

" Transfer of  
Real Estate."

" A Bill to facilitate the Transfer of Real Estate and the Registration of Titles."

" Victoria  
Gas Co."

2. " Bill to incorporate the Victoria Gas Company."

" Victoria  
Bridge Removal  
Bill."

The " Victoria Bridge Removal Act, 1860," was then taken up, and the following amendments thereto, and to the specification marked Schedule C, and to the plans accompanying the Bill, were proposed, seconded, and carried.

Amendments.

Amendments to the Bill:—

1. To add to the enacting clause the words "advice and" before the word "consent."

2. To strike out the word "communication" and insert the words "road and bridges" in the 2nd and 3rd lines of section III.

To add the words "according to the specification hereto annexed" after the word "completed" in the 2nd line of the same section.

3. To add the word "thereof" after the word "piles" and before the word "or" on the 13th line of the same section; and to strike out the words "so as to leave no part thereof projecting above the bed of the Harbour" from the last line of the same section.

4. To insert the words "bond with" after "a" and before "sufficient" on the 6th line of section IV.

5. To strike out the word "further" from the last line but one of the same section.

Amendments to plans and specifications:—

6. That 15-inch piles be used (instead of 12-inch, as proposed).

7. That the depth from high-water mark to the foundation shall be shewn on a drawing.

8. That the proposed grade and relative levels of the bridges for 50 yards at each end of both be shewn on the plan marked "Trial section for road."

9. That the centre span of both bridges shall be not less than 35 feet.

10. That iron bolts shall be used to fasten the caps of the pile heads (instead of spikes as proposed).

11. That a substantial draw which will work easily, and with little labour, be placed in each bridge, as the Council consider draws in the bridges essential for the public convenience.

12. That the junction of the new road with the present Esquimalt Road at or near the point marked E on Plan A shall be exactly opposite the point of divergence of the alteration in the Esquimalt Road from the present one, which is in contemplation to be made to the southward of the Esquimalt Road, with the view of avoiding the hill or hills near Mr. Russell's house.

The plans having been altered and amended in Committee, and a "view of the draws" and a "trial section for the road" having been supplied to the Council, the Bill with the above amendments thereto, and to the plans and specifications, which are taken to be and considered as part of the Bill itself, was read a third time and passed.

The "Victoria Gas Company's Act, 1860," was read a first time.

The "Land Registry Act, 1860," was read a first time.

"An Act to confirm certain Titles to Real Property in Vancouver Island" was introduced by Mr. Fraser, and read a first time.

The Council then adjourned till to-morrow, Tuesday, the 4th instant, at 1 o'clock p.m.

**Tuesday, December 4th, 1860.**

The Council met this day pursuant to adjournment.

Present:

Honble. Rodk. Finlayson,

„ John Work,

„ Donald Fraser,

„ Chief Justice Cameron.

The Minutes of last meeting having been read.

"An Act to confirm certain Titles to Real Property in Vancouver Island" was read a second time.

Amendments  
to plans and  
specifications,  
" Victoria  
Bridge Removal  
Bill."

Bill with  
amendments  
passed.

" Victoria Gas  
Co."

" Land  
Registry Bill."  
" Titles from  
H.B. Co."

" Titles from  
H.B. Co."

"Victoria Gas  
Co."

The "Victoria Gas Company's Act, 1860," was read a second time.

The Council then adjourned to Wednesday, December 5th at 1 o'clock p.m.

**Wednesday, December 5th, 1860.**

The Council met this day pursuant to adjournment.

Present:

Honble. John Work,  
,, Donald Fraser,  
,, Chief Justice Cameron.

The Minutes of last meeting having been read,

"Gas Co.'s  
Bill."

The following amendments to the "Bill to incorporate the Victoria Gas Company" were moved, seconded, and carried:—

Amendments.

1. To strike out clauses I., II., III. of the Bill.
2. To strike out 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, and 16th, and to insert in lieu thereof before each clause, beginning with clause 4th, 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, and 13th.
3. To insert at the beginning of clause 1st as amended the words "The said Company," and to strike out the words "the said Company" on the second line of the same clause.
4. To strike out the words "requiring the same" from the 8th line of clause 2nd as amended.
5. To insert the word "cubic" after the word "thousand" and before the word "feet" on the 3rd line of clause 3rd as amended.
6. To insert at the end of the same clause (and as an addition thereto) the following words: "and shall supply as much gas as may be required for lighting the streets of Victoria within 50 feet of any main laid by the Company at the price of £1/5/- per thousand cubic feet."
7. To insert the word "gas" after the letter "a" and before the word "meter" in the 6th line of clause 4th as amended.
8. To insert the words "accurately measuring" after the word "for" and before the word "the" in the 7th line of the same clause.
- 9th. To insert the words "fair market" after the letter "a" and before the word "price" in the 8th line of the same clause.
10. To insert the word "gas" after the word "and" and before the word "meter" in the 11th line of the same clause.
11. To insert the words "nothing herein contained" at the beginning of clause 7th as amended.

"Gas Bill"  
as amended  
passed.

The Bill was read a third time with the above amendments and passed.

"An Act to confirm certain Titles to Real Property in Vancouver Island" was read a third time and passed.

The Council received a letter from His Excellency the Governor enclosing two petitions from the inhabitants of Victoria and Esquimalt, praying that the present Victoria Bridge may not be removed.

The Bill referred to was, however, passed on a previous day, with amendments, and returned to the House of Assembly.

The Council then adjourned until further notice.

"Titles from  
H.B. Co."

Victoria  
Bridge.

#### Friday, December 7th, 1860.

The Council met this day pursuant to summons from His Excellency the Governor.

Present:

Honble. Roderick Finlayson,  
 „ John Work,  
 „ Donald Fraser,  
 „ Chief Justice Cameron.

The Minutes of last meeting were read.

The Council, having carefully considered the plan submitted by His Excellency the Governor on the 29th ultimo for pre-empting Crown lands in the Colony, is of opinion that some system which will encourage the settlement of the waste lands of the Crown is very desirable to be established. The Council approves of the principle involved in the plan submitted by His Excellency; and recommends that it be adopted, with the modifications suggested thereon, as well as those verbally submitted to His Excellency by the different members of Council.

The "Bill to facilitate the Transfer of Real Estate and to provide for the Registration of Titles" was read a second time.

The Council then adjourned *sine die*.

Pre-empting  
of Crown  
lands.  
Governor's  
plan to  
encourage  
settlement.

"Land  
Registry Bill."

#### Wednesday, December 12th, 1860.

The Council met this day pursuant to summons from His Excellency the Governor.

Present:

Honble. Roderick Finlayson,  
 „ John Work,  
 „ Chief Justice Cameron.

The Minutes of last meeting having been read.

The following Acts and Bills were received from the House of Assembly:—

" Annual  
Registration  
of Voters  
Bill."

" Victoria Gas  
Co."

" Victoria  
Bridge Removal  
Bill."

" Land  
Registry Bill."

1. "An Act to amend the Registration of Voters Act, 1859," with amendments. The amendments of the House of Assembly were agreed to, and the Act as amended, passed.

2. The "Victoria Gas Company's Act, 1860," with amendments was considered, and the amendments of the House of Assembly agreed to, and the Bill as amended passed.

3. The "Victoria Bridge Removal Act, 1860," with the Council amendments agreed to.

The "Bill to facilitate the Transfer of Real Estate and to provide for the Registration of Titles" was further considered in Committee.

The Council then adjourned until further notice.

#### Thursday, 20th December, 1860.

The Council met this day pursuant to summons issued.

Present:

Honble. Rodk. Finlayson,

„ John Work,

„ Chief Justice Cameron.

The Minutes of last meeting having been read,

The following Acts were received from the House of Assembly:—

" Powder  
Magazine  
Bill."

" Titles from  
H.B. Co." (Council  
Bill).

" Land  
Registry Bill."

1. "An Act to authorize the Governor of Vancouver Island and its Dependencies to grant certain privileges to the Constructors of a Powder Magazine," which was read a first time.

2. "An Act to confirm certain Titles to Real Property in Vancouver's Island," the same having been agreed to in the House of Assembly.

The "Bill to facilitate the Transfer of Real Estate and to provide for the Registration of Titles" was further considered in Committee; was amended, brought up, ordered to be engrossed, and read a third time on Monday next.

" Powder  
Magazine  
Bill."

Rules  
suspended.

The Rules of Council were suspended, and the "Powder Magazine Act, 1860," was read a second time, and ordered to be considered in Committee on Monday next.

The Council then adjourned to Monday, 24th December.

#### Monday, 24th December, 1860.

The Council met this day pursuant to adjournment.

Present:

Honble. Rodk. Finlayson,

„ John Work,

„ Chief Justice Cameron.

The Minutes of last meeting having been read,

The "Bill to facilitate the Transfer of Real Estate and to provide for the Registration of Titles" was read a third time and passed.

The Council then adjourned to Wednesday, the 2nd January, 1861.

### Wednesday, 2nd January, 1861.

The Council met this day pursuant to adjournment.

Present:

Honble. Roderick Finlayson,

.. John Work,

.. Chief Justice Cameron.

The Minutes of last meeting having been read,

"An Act to afford Redress to Persons whose Property is damaged by Animals trespassing within Enclosures" was received from the House of Assembly and read a first time.

Moved by Mr. Finlayson and carried unanimously, That Mr. Porter, who has been acting as Clerk of the Council for some time past, shall be paid a gratuity of fifty pounds sterling out of the money voted for the use of the Council.

The Council then adjourned to Friday next, the 4th instant, at 2 o'clock p.m.

### Friday, 4th January, 1861.

The Council met this day pursuant to adjournment.

Present:

Honble. Rodk. Finlayson,

.. John Work,

.. Chief Justice Cameron.

The Minutes of last meeting having been read,

The resolution returned from the House of Assembly with the "Bill to regulate the Sale of Fermented and Spirituous Liquors," received on the 17th of October last, was taken into consideration.

It was moved by Mr. Cameron, That the Bill be returned to the House of Assembly with the following resolution:—

"Resolved, That the Council, disclaiming, as it does, any wish to infringe on any privilege that the Assembly may possess, is ignorant that the Assembly's privileges are other than those of the Council, except the privilege conferred by a law passed during the present Session, giving the House of Assembly the power to delegate to Election and Special Committees the same power as is possessed by such Committees of the House of Commons in England. The House of Assembly and the Council alike derive

"Land  
Registry Bill."

"Enclosure  
Bill."

Gratuity to  
Mr. Porter,  
Acting-Clerk.

"Spirituous  
Liquors Bill."

Council and  
Assembly  
disagree.

Hon. D.  
Cameron's  
motion  
respecting  
privileges  
of House.

their authority from the same source, vizt., the Commission and Instructions accompanying it from the Crown to the Governor; and under that authority have both a similar privilege of freedom of speech and debate. They are two co-ordinate branches of a Legislature, instituted for the welfare and good government of the Colony; and, such being the case, the Council conceives it has as good a right to amend any proposed law that may be sent from the Assembly to the Council, as the Assembly has to amend any proposed law that may be sent from the Council to the Assembly. And in the fair exercise of that right, finding that the proposed law or Bill entitled 'A Bill to authorise and regulate the Sale of Fermented and Spirituous Liquors,' sent from the Assembly for the concurrence of the Council, contained certain ambiguities which appeared to the Council as likely to mar its working, the Council therefore, in passing it, attached a rider to the Bill explaining those ambiguities. The Council do not wish to impede the passage of the Bill, but consider that it requires amendment in that respect, and therefore return the Bill to the House of Assembly that the House may have an opportunity of amending it by denominating the fermented liquors mentioned in clause 3 of section 1 by names that the world recognises, vizt., wine, by the name of wine; ale, beer, or porter, by the name of ale, beer, or porter; cider, by the name of cider; perry, by the name of perry; and ginger beer, by the name of ginger beer."

"Enclosure  
Bill."

The resolution having been seconded and carried,

The "Enclosure Act, 1860," was read a second time.

The Council then adjourned to Monday next, the 7th instant, at 2 o'clock p.m.

#### Monday, January 7th, 1861.

The Council met this day pursuant to adjournment.

Present:

Honble. Roderick Finlayson,

„ John Work.

„ Chief Justice Cameron.

The Minutes of last meeting having been read,

The Bill entitled "An Act to authorise the Governor of Vancouver Island and its Dependencies to grant certain Privileges to the Constructors of a Powder Magazine" was considered in Committee, amended, and ordered to be engrossed; the Bill was then brought up, read a third time, and passed.

The Council adjourned until further notice.

"Powder  
Magazine  
Bill."

Thursday, 17th January, 1861.

The Council met this day pursuant to notice issued.

Present:

Honble. Rodk. Finlayson,

„ John Work,

„ Chief Justice Cameron.

The Minutes of last meeting having been read.

The following communications were received from the House of Assembly, vizt.:—

A letter under date 15th January, covering the “Bill to authorise and regulate the Sale of Fermented and Spirituous Liquors,” returned from the House of Assembly, with remarks on the answer sent them on the 4th of January by the Council with said Bill; which were taken into consideration; and as the House of Assembly requested a Conference on the subject of the Bill, the Council assented thereto, and appointed 2 o'clock p.m. to-morrow, the 18th instant, to hold such Conference, in the Council Chamber.

“Liquor License Bill” returned from the House with Resolution. Conference appointed.

A letter under date 14th January, enclosing the “Bill to facilitate the Transfer of Real Estate and to provide for the Registration of Titles,” as amended by the Council, agreed to by the House of Assembly.

“Transfer of Real Estate.”

The Council then adjourned to Friday, the 18th instant, at 2 o'clock p.m.

Friday, 18th January, 1861.

The Council met this day pursuant to adjournment.

Present:

Honble. Rodk. Finlayson,

„ John Work,

„ Chief Justice Cameron.

The Minutes of last meeting having been read.

The Council, in accordance with the request contained in the following Resolution of the House, met the Members of the Assembly in Conference on the “Bill to authorise and regulate the Sale of Fermented and Spirituous Liquors.”

Conference between Council and House on “Liquor License Bill.”

Resolution of the House of Assembly:—

“The House of Assembly, having taken into consideration the communication of the Honorable Council of the 4th of January, 1861, resolve as follows:—

“I. That the amendment proposed on the 4th day of January, 1861, by the Honourable Council to a ‘Bill to authorise and regulate the Sale of Fermented and Spirituous liquors’ would effect an alteration in the tax proposed to be levied by the said Bill.

Conference  
between  
Council and  
House on  
"Liquor  
License Bill."

"II. That all supplies and aids from the Colony of Vancouver Island and its Dependencies for the use of Her Majesty are the sole gift of the House of Assembly of the said Colony, and it is the undoubted and sole right of the said House to direct, limit, and appoint in the Bills granting such aids and supplies, the ends, purposes, considerations, limitations, and qualifications, of such grants, which ought not to be changed or altered by the Honorable Council.

"III. That this House cannot therefore enter into the consideration of the said amendment.

"IV. That this House, being as unwilling as the Honorable Council to impede the passage of the said Bill, requests a Conference with the Honorable Council at such time and place as the Honorable Council may deem fit."

Council  
explains its  
use of the term  
"privileges."

After conferring with the Members sent up by the Honourable the House of Assembly, it appearing that there is a misunderstanding of the meaning of the resolution sent by the Council to the Honorable House on the 4th instant, the Council wish to explain that in using the word "privileges," as compared with those of the Assembly, they meant the respective privileges of each as two distinct branches of a local Legislature in their peculiar character of Council and Assembly, and not that their privileges are precisely similar.

The Council then adjourned to Tuesday, the 22nd instant, at 2 o'clock p.m.

**Tuesday, January 22nd, 1861.**

The Council met this day pursuant to adjournment.

Present:

Honble. Roderick Finlayson,

" John Work,

" Chief Justice Cameron.

The Minutes of last meeting having been read,

A communication was received from the House of Assembly under date 21st January, covering the "Powder Magazine Act, 1860," which had been amended and passed by the Council on the 7th January, 1861, and was now returned by the House with certain amendments in which the Council concur.

The Council then adjourned to Thursday, the 24th instant, at 2 o'clock p.m.

"Powder  
Magazine  
Bill."

Thursday, January 24th, 1861.

The Council met this day pursuant to adjournment.

Present :

Honble. Roderick Finlayson,

„ John Work,

„ Chief Justice Cameron.

The Minutes of the last meeting having been read,

A communication was received from the House of Assembly under date 22nd January, accompanied by a resolution of the House on the subject of the Minutes of Council of the 18th of January, as follows:—

“ HOUSE OF ASSEMBLY,

22nd January, 1861.

“ Resolved.—

“ I. That this House regrets that the Minutes of Council of the 18th January, 1861, are not sufficiently explicit with regard to the exclusive privileges of this House in matters of taxation to justify the House in receding from its Resolution of the 15th of January, and that therefore the Bill be ordered to lie on the Table.

“ II. That the Honorable Council be requested to fix a further Conference with this House on account of the ambiguous language of the Minutes of the Honorable Council of the 18th of January, 1861, and for this purpose to name an hour and place convenient to the Honorable Council.”

The foregoing resolution having been read, it was

Resolved, That the Minutes of Council of the 18th of January, alluded to in the above Resolution of the Honorable the House of Assembly, was explanatory of the Council's resolution of the 4th of January relative to the rider attached to the “ Bill to authorise and regulate the Sale of Fermented and Spirituous Liquors,” then returned to the Honorable House; and which Bill, as appears by the Journals of Council of the 10th of October last, was read a third time and passed by the Council with the Rider in question, explaining what the Council supposed the Honorable House to mean by the “ fermented liquors ” mentioned in clause 3 of section I., that the Honorable House might deal with the Bill as they thought proper; and having so passed the Bill, it is not now competent for the Council to deal further with it, unless the Honorable House amends the said rider and returns it to the Council for their concurrence. The Council therefore consider it unnecessary to have any further Conference with the Honorable House on the subject.

The Council then adjourned until further notice.

“ Bill to  
authorise and  
regulate the  
Sale of  
Fermented and  
Spirituons  
Liquors.”

Council and  
Assembly  
disagree.

Council  
declines  
further  
Conference.

Wednesday, February 6th, 1861.

The Council met this day pursuant to notice issued, His Excellency the Governor being present and the following Members:—

Hon. John Work,

„ Chief Justice Cameron.

Mr. A. J. Langley appointed Member of Council. Prorogation of House.

His Excellency informed the Council that he had appointed Alfred John Langley, Esquire, to be a Member of Council.

The Members of Council then attended His Excellency the Governor to the House of Assembly for the purpose of being present at the Prorogation of the House.

The Members of the House having assembled, His Excellency took possession of the Speaker's Chair, and addressed the Legislative Bodies as follows:—

*Honourable Gentlemen of the Legislative Council and Gentlemen of the Legislative Assembly:*

His Excellency's Speech.

In releasing you from the labours of Session, I desire to express my satisfaction at the result of your deliberations.

It is indeed impossible to review the many important measures which you have passed this Session, without feeling that you have applied yourselves to the performance of your arduous duties with a degree of zeal and assiduity worthy of the highest praise. Those measures embrace almost every department of the public business—the Free Trade System before initiated has been confirmed, and become an essential part of our policy; you have also been careful in providing for the better administration of Criminal Justice; the formation of Roads; the improvement of the Harbour of Victoria; the Registration of Titles to Real Estate; and other useful measures have been passed, which will no doubt tend to promote the permanent interests of the Colony.

The interesting experiment of defraying the expenses of Government by direct taxation, so propitiously begun, will, I trust, not disappoint the anticipations of the Legislature.

*Gentlemen of the House of Assembly:*

I have to convey to you my warmest thanks for the Supplies which you have granted for the service of the year, and for the execution of those Public Works which are essential to the progress of the Colony.

I sincerely hope that the blessing of Almighty God may rest upon our labours, and render them subservient to the substantial prosperity and well-being of the Colony.

The Honble. Chief Justice Cameron then rose and said:—

*Gentlemen of the House of Assembly:*

By command of His Excellency the Governor, the House of Assembly is hereby prorogued until Wednesday, the 3rd day of April next, then and here to meet for the dispatch of business.

His Excellency the Governor, attended by the Members of Council, then withdrew, and the Council adjourned *sine die*.

MEMO.—Minutes of Council from 1st May, 1860, to 6th February, 1861, both inclusive, copied and sent Home by the mail leaving Victoria on the 14th of July, 1861.

JOSEPH PORTER,

*Actg. Clerk of the Council.*

VICTORIA, B.C.:

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1918.











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